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HEARINGS

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

EXAMINING THE PRACTICES AND POLICIES OF THE IMMIGRATION AND NATURALIZATION SERVICE AS IT RELATES TO THE NATURALIZATION PROCESS

OCTOBER 9 AND 22, 1996

Serial No. J–104–102

Printed for the use of the Committee on the Judiciary

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NATURALIZATION PRACTICES

WEDNESDAY, OCTOBER 9, 1996

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee), presiding.

Also present: Senator Kennedy.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. The hearing will come to order. Good morning. Welcome to a hearing of the Subcommittee on Immigration on INS naturalization practices. There has been quite a bit of notoriety about this issue. I think it is important to leave some kind of a record behind with regard to at least the current situation.

Today, the subcommittee will hear testimony from witnesses who are familiar with the practices of the recent past. We will hear from INS, from independent test-givers, from test development experts, and from outside observers. But I think before we turn our attention to the process and all its requirements, we need to be clear why naturalization is so very important.

U.S. citizenship is, and should be, a most precious, precious status. I know when I practiced law in Cody, WY, that was one of the most impressive ceremonies when they would appear before the district judge within the District of Wyoming in the small communities to receive this precious status, and it is indeed. Certainly, whether a person is a citizen by birth or by choice, U.S. citizenship is eagerly sought by immigrants from around the globe.

Many of us who are born here in the United States take our citizenship for granted. We do not always treasure it as we ought too. It is those who naturalize, who choose America over any "foreign prince, potentate, state or sovereignty" and promise to "bear true faith and allegiance," it is these newest citizens who remind us of how special American citizenship is.

Naturalization is the process which reinforces the bonds among all citizens, and it culminates in the at least formerly impressive ceremony where our Nation welcomes its newest Americans. Please know that the requirements for naturalization are not arbitrary. First, citizenship applicants must reside in the United States for 5 years, 3 years if their spouse is already a citizen; second, be able to speak, to read, and to write English; third, to have knowledge

and understanding of the fundamentals of U.S. history and the principles of the Government of the United States; and be a person of good moral character attached to the principles of the Constitution, and well-disposed to the good order and happiness of the United States.

These requirements are intended to ensure a common framework for Americans and to protect the fundamental institutions that Americans hold dear. These requirements ensure that those who have the privilege of citizenship are able to exercise the responsibilities which accompany it. Some individuals promote American citizenship on the basis of the practical benefits that it brings. Citizens are entitled to several important privileges—the right to vote for representatives in their local, State, and national government; a U.S. passport and all the protection that offers when traveling the world; opportunities for employment in certain Federal jobs and, under the new welfare reforms, access to certain Federal welfare programs.

Recently, one individual, a naturalized American, who strongly opposes the recent welfare reforms advocated and adopted by Congress, announced that he will devote $50 million not simply as a private charity to ameliorate hardships that may or may not result from the reforms, which I supported, and many of us did in a bipartisan way, but rather that that money go toward naturalization efforts, which will then guarantee continued access to taxpayer-funded support systems. That is an interesting concept.

While there are very practical benefits that derive from U.S. citizenship, and thus from naturalization, they should not, in my view, be the goal. I would hope that the Immigration and Naturalization Service and others who administer the naturalization process will focus on its central purpose; that is, to admit new members into our body politic, persons whose full allegiance is to this Nation and who have shown that they will be able to assume all the responsibilities, people who embrace a common flag and a common language, and that they will then be able to assume the responsibilities, as well as obtain the benefits of that full membership.

I am just going to cite a couple of quotes, and I wouldn't let you guess where they came from. Here is one from many years ago during World War I:

> You cannot become thorough Americans if you think of yourselves in groups. America does not consist of groups. A man who thinks of himself as belonging to a particular national group in America has not yet become an American.

That was Woodrow Wilson who said that. I knew you probably thought it was some evil rascal somewhere.

Here is another one. It says:

> We have no 50–50 allegiance in this country. Either a man is an American and nothing else or he is not an American at all. We Americans are children of the crucible. The crucible does not do its work unless it turns out those cast into it in one national mold.

That was Teddy Roosevelt who said that one. He also said:

> The absolutely one certain way of bringing this Nation to ruin, of preventing all possibility of its continuing to be a nation at all, would be to permit it to become a tangle of squabbling nationalities, an intricate knot of German Americans, Irish Americans, English Americans, French Americans, Scandinavian Americans, or Italian Americans each preserving its separate nationality.

Those are things in the background that are not here for us to address today, but those are the things that are uniquely American. When we see things happening with the naturalization process either through the use of testers or ethnic groups or people who are simply desirous of seeing more at the expense of seeing what this precious gift is, I think then we need to examine that, and that is the purpose of this hearing.

We will review how current legal requirements for naturalization are being implemented by the INS. As I say, recent reports have cast some doubt on INS' commitment to fully implementing these requirements, requirements intended to prevent the award of U.S. citizenship to those who are not fully entitled to it. So I am eager to proceed.

The timing was magnificent. I had just concluded my remarks and suddenly, like a phantom from the wings of the opera, the phantom of the opera himself—oh, no—and we have had enough good-byes and we will have some more, but this is one delightful gentleman whom I shall greatly miss from my Washington years. Even though we have tangled and scrapped and will continue to do so, he is a very remarkable man and a very delightful friend.

Ted.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Senator Simpson, and I think, as we have remarked at other times, the Congress may have been adjourned and Senator Simpson's time of service in the Senate may be coming to a close, but he is once again demonstrating his dedication to service by continuing during the beginning of the fiscal year oversight in some very, very important areas that need attention. While others are in different parts of the country, Senator Simpson, as we might know, is at his desk and conducting these hearings. So we appreciate the chance again to be here at this important hearing and to commend him for conducting the hearing this morning.

Just very briefly, America is a nation of immigrants, and naturalization, the act of becoming a citizen, is the heart and soul of the immigrant tradition that has contributed so much to the Nation throughout the two centuries of our history.

Few processes are more significant for the Nation than the steps established by the Government to enable immigrants to become citizens of the United States. Naturalization is a fundamental and intended result of immigration. As the report of the Jordan Commission emphasized, "Naturalization is about ensuring the vitality of this Nation, ensuring continuity of our past, present, and future."

Today's hearing deals with an unprecedented consequence of the current national debate over legal and illegal immigration. Hundreds of thousands of legal immigrants are rushing to qualify for naturalization and become citizens in order to protect themselves and their families against the harsh anti-immigrant tide that has become increasingly prevalent in many parts of the country, and blatant attempts by some in Congress to reduce the benefits available to legal immigrants.

To a large extent, legal immigrants are the innocent victims of the backlash against illegal immigration. To protect themselves against that backlash, it is hardly surprising that they are exercising their legal right to become citizens and participate in our democracy.

In 1992 when the Clinton administration first took office, INS received almost 350,000 applications for naturalization. By the end of 1995, the number had tripled to over 1 million applications. Unfortunately, the INS was given no significant additional resources to handle this massive increase. As a result, INS was able to process only half of the applications received in 1995. Backlogs were already 2 years long in some parts of the country and were likely to increase to 4 years longer. Immigrants fully qualified for immediate American citizenship were being denied that right for unacceptable lengths of time.

I think, to her credit, Commissioner Doris Meissner made dealing with the backlog of naturalization one of the top priorities for INS in 1996. She received bipartisan support in Congress to reprogram funds and hire additional personnel and equipment. She streamlined the management of the program, while maintaining and improving the integrity of the process. The results of these initiatives have been a great American success story. Backlogs that threatened to deny citizenship to large numbers of qualified applicants for years were reduced to months. Justice was no longer being denied because of these long delays.

Yet, now we hear complaints from some Republicans that INS is doing its job too well and that it is doing so for partisan political reasons. Nonsense. What is happening is democracy at work. It is also poetic justice. Anti-immigrant Republicans have created an unintended backlash against themselves. It is hard to take them seriously when they complain that too many immigrants are becoming citizens and preparing to exercise their right to vote against an anti-immigrant Republican.

There is no evidence of impropriety. Standards are being enforced. INS is responding properly to the soaring demand for citizenship that our Republican friends have created. Denial rates remain as high or higher than ever before—about 17 percent—hardly an indicator of lower standards.

The Citizenship USA campaign created by INS in response to the demand for citizenship has focused on 5 cities that have 75 percent of the applications—Los Angeles, New York, Miami, Chicago, and San Francisco. Nothing wrong with that. In fact, INS efforts have received impressive bipartisan praise from Republicans in the South Florida congressional delegation, from the Republican mayor of New York, and from the Democratic mayors of Chicago and San Francisco.

So I commend the efforts of the men and women of the Immigration and Naturalization Service. They deserve praise, not blame, for their effective response to the current crisis. I look forward to the testimony of our witnesses.

I thank the Chair.

Senator SIMPSON. Thank you, and I think it is important, at least with Senator Kennedy and myself through the years of our association, which are now 18, that immigration and refugee issues are

not partisan. They are bipartisan, and it cannot be done in any other form. Perhaps that was why the great tangle took so long to get untangled this year because of attempts to make it a partisan issue. That will always fail. I hope it will fail. It isn't worth wasting time on, but I think it is very important that this, for me, has never been anything in connection with any type of partisan activity, none, and the record will disclose that very, very clearly.

I have a statement of our colleague, Senator Paul Simon, which I will enter into the record as if read in full. Certainly, he has been a fine, contributing member of our work. At one time, there were just three of us doing this work—Senator Kennedy, Senator Simon, and myself—because there wasn't ever a rush to the door to help us do it.

Certainly, Paul Simon was—well, we know who he is, one of the most compassionate and remarkable men. He is Will Rogers' epitome of never knowing a man he didn't like. He is a wonderful gentleman. He will be greatly missed in this place.

[The prepared statement of Senator Paul Simon follows:]

PREPARED STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

I thank the Subcommittee Chairman, Senator Simpson, for whom I have the utmost respect and whose retirement will leave the Senate a much poorer institution, for holding this hearing. The gift of citizenship is the greatest that this nation can bestow on any immigrant, so it is essential that this Subcommittee and the American people get the facts straight regarding the Immigration and Naturalization Service's Citizenship USA initiative.

I have long advocated a greater emphasis on naturalization on the part of the INS, as well as Congress. Prior to this administration, for too many years, the "Service" component of the Immigration and Naturalization Service generally—and naturalization in particular—was the subject of virtually complete neglect. With Commissioner Meissner at the helm, this has changed, and I applaud her commitment to this important aspect of the INS' mission. She is without question the most competent, engaged INS Commissioner that I have encountered in my 22 years on Capitol Hill, and our immigration policy—in the area of naturalization and elsewhere—is sounder for her leadership.

The INS' newfound commitment to naturalization has been painted by some as a political maneuver designed to get votes for the current administration in the upcoming election, at the expense of standards and adequate review of applicants' histories. While this is a convenient explanation for the surge in naturalization applications and approvals, let me suggest a different one.

Over the past two years, both in the 104th Congress and in states such as California, I have witnessed anti-immigrant sentiment the likes of which have not been seen in this nation for several decades. This anti-immigrant sentiment is directed not only toward illegal immigrants—who should rightly be the subject of some strict, but sensible, enforcement measures—but also toward legal immigrants, despite the fact that these individuals play by the rules, work hard, create jobs, and, on the whole, confer net benefits upon this country.

Legal immigrants have long been a source of great enrichment for our nation. Those immigrants who enter our nation legally today continue, as they have in the past, to make invaluable contributions to America's social, economic, and cultural well-being. Yet many Americans, including many members of Congress, have come to view legal, as well as illegal immigrants, as parasites who take from America without giving anything back, and who possess no interest or stake in the nation's well-being.

Such perceptions have given rise to laws like the new welfare reform law, which drastically and, in my view, improperly restricts legal immigrants' access to government assistance. The recent immigration bill, signed into law as part of the Omnibus Appropriations Bill, represents a further, but much smaller, step in that direct. We also have state measures like Proposition 187 which, while directed at illegal immigrants, have led to a great deal of discrimination against legal immigrants as well.

While the anti-immigrant sentiment in evidence today is not novel in our history, that is no answer to the many hard-working legal immigrants who hear themselves maligned and scapegoated by their neighbors and their representatives in state and federal government.

What is a legal immigrant to do under these circumstances? How can he or she act to change the direction of a government that in its hostility toward immigrants has forgotten the very foundations of this nation's greatness? How can he or she gain a greater stake in a society that has come to view immigrants—however long they have resided here—as outsiders? The answer lies in naturalization, and in what naturalization provides—the right to vote, the ultimate participation in democratic (not Democratic) society. Nothing could be more American than the desire to affect political outcomes through the casting of a ballot on election day.

So is it any surprise that legal immigrants seek to naturalize in record numbers? Is it any surprise that California—the site of Proposition 187—leads the nation in naturalization backlogs? Is it wrong for the Administration to try to address this phenomenon through an aggressive and long overdue pro-naturalization initiative? The answer to each of these questions is no.

Republicans charge that the Administration's naturalization initiative is a "get out the vote" strategy designed to help Democrats in November. Yet in the same way that immigration has never been a partisan issue, immigrant voting patterns have rarely reflected one-sided partisanship. Many immigrants vote Democrat; many others vote Republican. The cities with the largest backlogs—Los Angeles, Miami, New York—contain many of both. The Republican charges on this front fly in the face of history and reality.

Maybe it is unfortunate that immigrants have until today not been sufficiently motivated to naturalize. I think a review of our history would find many other groups whose participation in politics only really began in the face of the kind of threat faced by legal immigrants today. If immigrants vote Democrat this year, those Republicans that have spent the better part of two years advocating anti-immigrant legislation will have only themselves to blame.

We all recognize the lengths that INS must still travel to make up for current shortcomings in a variety of areas. No one is suggesting that all the necessary work has been done. But it is moving in the right direction, and the Administration's commitment to facilitating naturalization is a positive, not a negative, sign.

In closing, let me add a few words about the individuals who have headed the Citizenship USA initiative for the INS. During my tenure in the Senate, I have worked with many of them. Like Commissioner Meissner, they are committed to helping immigrants and to helping immigrants help themselves, without compromising the standards of the Agency and the naturalization process. Far from being political "hacks" and "operatives", they are dedicated, honest individuals doing good work, not for Democrats, but for America.

Senator SIMPSON. So we will now proceed with the witness, T. Alexander Aleinikoff, the Executive Associate Commissioner for Programs, Immigration and Naturalization Service. We do have the time limitations and I thank you for your understanding of that, and we would be very pleased to have your testimony.

STATEMENT OF T. ALEXANDER ALEINIKOFF, EXECUTIVE ASSOCIATE COMMISSIONER FOR PROGRAMS, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, DC; ACCOMPANIED BY DON CROCETTI, ASSOCIATE COMMISSIONER FOR EXAMINATIONS, IMMIGRATION AND NATURALIZATION SERVICE; AND DAVID ROSENBERG, DIRECTOR, CITIZENSHIP USA, IMMIGRATION AND NATURALIZATION SERVICE

Mr. ALEINIKOFF. Thank you, Senator. Thank you for the opportunity to appear before you today. I am pleased to discuss with you the Immigration and Naturalization Service's achievements in responding to an unprecedented increase in applications for naturalization.

Under our initiative, called Citizenship USA, the Service has adjudicated more than 1.2 million applications for naturalization in fiscal year 1996, and we did so in a timely, accurate, and respon-

sible manner. Mr. Chairman, I am glad to be here today to allay some of the concerns that you raised about whether or not the laws have been followed and we have done this in an appropriate fashion.

I would like to take a few minutes to review the origins of the program. Quite simply, the numbers tell the story. As Senator Kennedy pointed out, in previous years naturalization applications averaged about 2 to 300,000 a year. In fiscal year 1994, that number rose to 550,000. In fiscal year 1995, it leaped to more than 1 million, and that level repeated in 1996 as well. We expect that level to stay the same for the next year or so.

By early 1995, these record-breaking numbers had created a huge backlog and processing times had risen dramatically, and in the summer of 1995 the INS conceived of Citizenship USA, a program designed to return our processing times to acceptable levels. We announced the program in August 1995. Our stated goal was to get current with naturalization applications by the summer of 1996. By "getting current" we meant a processing time of 6 months from the time of filing to swearing-in as a new citizen.

While Citizenship USA is a nationwide program, we initially focused our resources in 5 key districts where the greatest numbers of pending cases existed. These were Chicago, Los Angeles, Miami, New York, and San Francisco. At that time these offices had 75 percent of the pending caseload and the waiting time for interviews there were patently unacceptable. An applicant filing for naturalization in Los Angeles in the summer of 1995 would have waited more than 2 years to be interviewed, and in Miami more than 4 years.

In short, Citizenship USA put both "Naturalization" and "Service" back into the INS. Naturalization applicants are long-term permanent residents who pay a significant fee for a service—the efficient adjudication of their application under the law. Had we not taken steps to meet this tremendous challenge of the huge increases, we would now be facing criticism for inaction and dereliction of duty.

The importance of U.S. citizenship cannot be gainsay. For both the applicant and for the Nation he or she seeks to join, it is a decision of singular significance. It is the highest benefit—some may justly say honor—that this Nation bestows on immigrants. Because of the tangible and the symbolic importance of granting citizenship, INS' increased efforts must be carried out in a fashion that does not compromise standards. This we have done. No policy directive, no guidance, has been issued that reduces the standards we apply to naturalization applicants. Indeed, our denial rate for Citizenship USA is at or above historic levels.

Furthermore, our efforts have had bipartisan support from the Congress. Two reprogrammings have been approved by the appropriations committees, the second in January 1996 which expressly identified the goals and means of Citizenship USA. Chairman Rogers' notice of approval states that he "is pleased that the INS is recognizing the significant workload and addressing it in this reprogramming."

The reprogramming permitted us to hire over 1,000 adjudicators and other personnel and contract employees. We detailed them

originally to the key districts and all of the officers who were detailed volunteered to be part of the project. All the new personnel that we hired—permanent, temporary, and contract—received appropriate security clearances and training, and are supervised by experienced INS personnel. In the five key districts, we opened nine new citizenship centers, newly equipped with updated technology, mostly located in areas that are more accessible to the applicants.

Mr. Chairman, let me say a few words about FBI fingerprint checks, and I may run out of time and perhaps I will have more time in the question period to say more. We have made many improvements to the fingerprint clearance process to make it as efficient and thorough as possible. Recent media reports have reflected a misunderstanding of what we are doing, so I would like to explain the process.

Each naturalization applicant submits a fingerprint card with his or her application and that card is sent to the FBI. The FBI reports to the INS as to whether there is a match in its files, and when there is a match the record is provided to the INS. We receive a positive response or a hit from the FBI in only a small percentage of cases, and since FBI databases include not only convictions but also records of arrests and administrative processing by INS, the number of records which represent disqualifying convictions that would bar naturalization are a fraction of the hits that we receive from the FBI.

In June of this year, INS established the Fingerprint Clearance Coordination Center at the INS service center in Lincoln, NE, to centralize the receipt and processing of all FBI responses, and this allows us to provide the FBI record immediately to the responsible field office designated as a point of contact for matching with the applicant's files.

There is more to say here, Mr. Chairman, which I hope I will get a chance to do in the question period, but let me just conclude with the following remark. No major initiative is problem-free. To be sure, we have experienced growing pains, but where problems have surfaced, we have dealt with them forthrightly and in a thoughtful manner. We have recognized and protected the fundamental significance of U.S. citizenship in a manner that ensures dignity to those who have sought to join us as full members of the American family.

Mr. Chairman, with our indulgence, I would like to invite two additional people to join me at the table who are more knowledgeable than I on some of the matters that you seek information on.

Senator SIMPSON. That would be perfectly appropriate, if you would just introduce them for the record.

Mr. ALEINIKOFF. I would be happy to do so. On my left is Don Crocetti, who is Associate Commissioner for Examinations, and on my right is David Rosenberg, Director of Citizenship USA.

Senator KENNEDY. Mr. Chairman, can I just add a word of welcome to Mr. Rosenberg?

Senator SIMPSON. Yes, Senator Kennedy.

Senator KENNEDY. He hails from the State of Massachusetts and was very much involved in the State programs and brings a rather specialized understanding of what is happening in the States on

immigration issues and how they are dealing with a lot of the activities. He has been a great resource for professional guidance to the subcommittee, and I am delighted that the Service has drawn on you, Mr. Rosenberg, to help and assist in these naturalization programs. It is good to see you.

Mr. ROSENBERG. Thank you, Senator.

Senator SIMPSON. Are you trying to rehabilitate the witness? [Laughter.]

I believe the other day I made some reference to some "political hack," not knowing what name there might have been, and I certainly did not know that—I was given that information from the House Operations Committee.

Senator KENNEDY. That was a little dangerous.

Senator SIMPSON. It was; I can see it was. But you are a professional person. You have been involved in this in Massachusetts and here, and your dalliance in politics has been minimal, is that correct?

Mr. ROSENBERG. I think that would be a good way to put it, yes.

Senator SIMPSON. But vigorous?

Mr. ROSENBERG. And I hope effective.

Senator SIMPSON. Oh, I see; well, that is true.

Mr. ROSENBERG. But thank you, Senator. I appreciate that. It was a little distressing to me, in that I have worked with this subcommittee since 1986, perhaps a little less memorably than I had thought, but I do appreciate the opportunity to correct the record.

Senator SIMPSON. Well, I thank you, and I certainly wanted to correct it myself because that information did not come from Dick Day and my crew. It came from, apparently, a hearing over there, or some statement that was never corrected. Is that right?

Mr. ROSENBERG. I am not aware where it came from. I do know that the House did have all of my information.

Senator SIMPSON. It was some subcommittee. Anyway, thank you very much. It is good to have you here.

Mr. ROSENBERG. Thank you.

Senator SIMPSON. Section 312 of the INA requires and sets forth certain naturalization requirements with respect to English language ability and knowledge of U.S. history and understanding of U.S. history and Government. My first question is how did the INS determine what should be the required level of ability to speak, read, and write English, and the required knowledge of U.S. history and Government, and how did the Agency develop its methods of assessing whether naturalization applicants have that ability and that knowledge?

I understand that one of the written questions on U.S. history and Government is as simple as what are the colors of the flag. Do you believe questions as simplistic as that have any relationship at all to what Congress is trying to see as the intent when we passed section 312?

Mr. ALEINIKOFF. Well, in answer to the first part of the question, Mr. Chairman, historically the Immigration Service has relied solely on its examiners to develop questions appropriate for meeting the statutory requirements. That would be true of the test of good moral character and other requirements under the statute. This

goes back many years. There was no study done originally in coming up with questions.

In the 1980's, there was an attempt to standardize the set of questions and a set of materials that applicants could study in order to answer questions, and a set of 100 questions were developed for information and advice for our examiners in the field. They are not required to use these questions, but most, in fact, draw from this set of questions.

The idea there was to have a set of questions that would test general information about the Government and about the history of this country. Accompanying those questions was a set of teaching materials, a set of texts that the applicant could read and glean the important information about the functioning of our Government. These steps to standardize, we are not sure have gone far enough and we are in the process now of putting out formal solicitations for proposals to develop a new civics test for us by civics experts, outside civics experts, that will appropriately test history and knowledge.

It is not to say that the prior tests were not appropriate tests. It is just that we think it is time to have an outside body of experts come in and tell us whether or not they were an appropriate set of questions and, if not, what set of questions might more appropriately test that. But this goes back many, many years in the Service.

Senator SIMPSON. Congressional intent is an ephemeral thing, but for this Congressperson you would want a test that wasn't too hard and wasn't too easy. It is very simple. You don't want something that is like the old days of the poll tax or something. We are not talking about that, but we don't want something like, you know, what are the colors of the flag. I mean, that is an assault on common sense.

So I think that these outside experts, when they finish their work—it would be very good to submit them to the House and Senate committees before implementing and before getting it out into any further realm. Would you believe that that would be appropriate?

Mr. ALEINIKOFF. Absolutely appropriate, and we look forward to working with the committee to work on—I mean, I think it is an interesting national question about what we think the appropriate body of information is and it is one that we should have a public discussion of.

Senator SIMPSON. I think, if nothing else, that that would be a very important part of this hearing that when you get to that point, submit those to the ranking members and the chairmen, both parties, of the House and Senate committees responsible for this issue.

Mr. ALEINIKOFF. We will do so.

Senator SIMPSON. Thank you very much. Now, I believe the INS does about 75 percent of the testing for English literacy and knowledge of history and Government. The rest is done by outside contractors. This is where the controversy seems to have sprung that there has been alleged fraud, such as examiners giving answers to the persons they are supposed to be testing.

Could you describe very briefly how you select these contractors. One was a group that had been very adept in driver's license application approval and, I would think, have little idea or understanding of the Federal Government and its systems, but that is another matter. How do you monitor them in order to prevent fraud, and after you have instituted these changes since the controversy in order to make the fraud less likely, what have been the changes? I guess, given the risk of what has happened, why do you feel that the INS should not do all the testing itself? We would rather give the resources to the INS to do the job and not have these other agencies.

Mr. ALEINIKOFF. Well, we take the issue of fraud very seriously and we have taken a number of important steps since the beginning of this calendar year on the monitoring, and let me briefly describe them. In the early part of this year, we required all our testing entities—and I should say the testing entities were approved under a notice in the Federal Register in 1991 that set out a set of requirements that one had to meet to be authorized. There are six national testing entities, and then they enter into agreements with local affiliates that do the testing on their behalf.

In January 1996, we required the testing entities to submit plans as to how they intend to monitor their affiliates. We have also recently, in the last few months, sent memos to our field offices requiring them to do spot checks of these affiliates. Since January of this year, 42 affiliates have been closed either by our action or by the action of the testing entities.

We have obtained criminal convictions in Honolulu in one situation where a testing entity was giving away answers and we thought that was inappropriate, obviously inappropriate. We have 17 other pending investigations into local affiliates. Importantly, on October 1 of this year, we instituted a new set of rules that the entities are now following which requires INS approval of all local affiliates, which had not been done before, and it requires that the affiliates have testing experience before they can take on the job of giving the test.

We have imposed stricter monitoring requirements by the outside groups. They now must monitor all their affiliates at least twice a year, and we have also entered into a contract with an outside group on our behalf who will do monitoring of these entities. So we really have a triple monitoring program now in place. The outside entities themselves must monitor their affiliates twice a year. Our outside contractor will do unannounced visits, about 100 a month, when they get up and running of these affiliates, and our investigators will go out and look at these testing entities. So we think it is a much more secure process than it was when it began a number of years ago.

Senator SIMPSON. Thank you very much.

Senator Kennedy.

Senator KENNEDY. Thank you. As I understand it, they are reviewing now the two tests. One is the English, and also the civics test. Are they being reviewed in terms of what should be the standard in terms of the future?

Mr. ALEINIKOFF. We will be putting out formal solicitations for bids by outside experts to help us develop and train and validate tests.

Senator KENNEDY. And when do you expect that decisions will be made on those?

Mr. ALEINIKOFF. We expect the work will be completed by the end of this fiscal year.

Senator KENNEDY. Some of these, I would agree with Senator Simpson, are probably unworthy of being on the exam. You have got some others that are pretty hard, I think—how many changes or amendments are there to the Constitution? You know, I think some people might think about that. You have got. "What is the most important right granted to U.S. citizens?" "Where does freedom of speech come from, and a basic belief of the Declaration of Independence?"

You can go through and see some that wouldn't really reflect a knowledge, but there are some in here that I think would be challenging for most high school graduates. I understand that the test itself was given to high school students in one particular State and the majority didn't pass it. So I think we are all interested in getting something that is, as you mentioned, going to be reflective of a knowledge of the English language, the ability to read, write, and speak words in ordinary usage in the English language, and knowledge of the attachment to principles of history and Government. I think we agree. I think it is worthwhile having assurance that those are the tests that we really have.

Let me just go briefly into what are some of the improvements in the naturalization program. If you can go through those very—you know, there are a series of those, but maybe you would just touch on them quickly. I understand reference has been made to the FBI. In the transition, there were some mistakes that were made in terms of sorting out those that had a criminal record in the past, but that has, as I understand, been remedied. But maybe you would just go down very, very quickly about what you understand are some of the improvements.

Mr. ALEINIKOFF. I would be happy to do those quickly. First of all, we are now opening our mail and entering data into our systems. When we started Citizenship USA, we discovered that in two of our largest districts there were boxes of files that had never been entered into the data system because we didn't have enough clerks and support staff to do that. So we have gotten on top of our incoming applications and putting them in the system.

We are giving people who now apply receipts that, in fact, their application has been received and that they will be scheduled for an interview. We have established a direct mail process where people, rather than having to come in to the district office and inundate the district local office with files, are mailing their applications to our remote processing centers, where the file is opened and entered into the data system. Sixty percent of our applications now go through direct mail, which relieves a huge burden on the district and on the applicant as well, who doesn't have to wait in long lines to file the application.

We have made significant improvements in our fingerprint process. That is a longer answer I would be happy to give further infor-

mation on. We have tightened up the testing entities, as we pointed out. I think, though, actually, the fundamental change under Citizenship USA was increasing the number of adjudicators to handle the incoming flow.

It is a similar solution that we applied to our asylum process. We didn't change the asylum process. We didn't lower the standards. We simply found more people to handle more cases and people were processed in a timely way, as with Citizenship USA. We didn't change the standards or the process. We simply have identified and used more people to handle what was a sea of applications that we received over the last few years.

Senator KENNEDY. OK. There may be some other questions, Mr. Chairman, but I thank you very much.

Senator SIMPSON. Thank you, Ted. We have a long agenda. There will be questions I will submit in writing. A later witness will come on to say that the minimum pass rate for the civics exam is 70 percent of the 20 questions asked—that we should raise it to 70 percent; that it is presently 60 percent, which is a D-minus, I think, in most high school grading systems in most States. I want to find out if you are going to change that level, and some of that.

Then, for the record, I just want to enter this, and this is not a flash point, but I think it is very important. A person who is not here as part of this first panel—on Monday, the subcommittee invited Mr. Doug Farbrother, who is an official with the Vice President's Office of National Performance Review. They have been involved in this; we all know that.

In documents presented to the Congress and are here today, Mr. Farbrother talks about the concern that the Citizenship USA Program would produce 1 million new citizens. This is his E-mail; this is E-mail to the Vice President. Elaine Kamarck—and her name pops up throughout, but it is from Doug Farbrother and it says:

> No, sir, the bet was not just about Kelly Girls. I had bet Elaine that INS headquarters would not give their managers in Los Angeles, San Francisco, Chicago, New York, and Miami enough authority, in general, to make me confident they could produce 1 million new citizens before election day. Unfortunately, I was right.

What do you think of that?

Mr. ALEINIKOFF. Well, Mr. Chairman, I have not seen any of these E-mails. The first I saw them was in a newspaper report yesterday morning, and I must say I was rather surprised and, in one instance, stunned by what I saw in them.

Let me be clear on the role that the National Performance Review office played in Citizenship USA. We announced Citizenship USA in August 1995. We set our goals. We opened up new offices in our major cities. We hired adjudicators. We assigned experienced site managers to those places. In December 1995, we were designated as a reinvention lab by the Justice Performance Review, the part of the Justice Department of the reengineering Government initiative. So we were up and running by the first quarter of 1996, fiscal year 1996.

In the spring, in February or March 1996, the National Performance Review from the Vice President's office came into our sites and were interested in helping us to reinvent the process, to reengineer the process. We had already started our process, as I said, and set our goals and we were well underway. They made a num-

ber of recommendations on how we could change our process, some of which we accepted, but most of which we rejected.

What Mr. Farbrother is referring to here, I think, is a request that headquarters delegate all its authority over the process to the field offices. His view was, I believe, as he expressed it to us, if you just freed up your local field people, they could do the work and get the job done. We thought that was a ludicrous idea.

What we were trying to do was standardize the process. We had a direct mail process, as I have explained it, that required mailing applications to our remote service centers. We were concerned about testing. We were concerned about monitoring. We did not think it was appropriate to delegate more authority and we told them so, and that request did not go forward. So we think he was fundamentally mistaken in his analysis and we did not act upon it.

Senator SIMPSON. No, but I think it is disturbing because I think any of us, Senator Kennedy or myself—I am not interested in seeing the White House or the INS register people Democrat or Republican. That is a distortion of everything American. If these people are to be naturalized, it is fine to give them a voter registration card, although I have some problems with that one, too, but you don't get them in so you can register them for one party and then politicize your Agency, which I insist has happened, and it has happened without the approval and I think the knowledge of Doris Meissner.

I think she has been hammered from down underneath by political people who quicken the pace of naturalization, who are trying to do things in a way that I don't think is good. I think it is unwise speaking about naturalization in a political manner and I think it taints the INS. So I am concerned that partisan desires may have pushed the INS more swiftly than is prudent. I personally am not concerned about the party affiliation of our newest citizens.

Let me just share this with you. Two days later—I have the other E-mail and I will just put all this in the record.

[The information referred to was not available at presstime.]

Senator SIMPSON. I would like to quote:

> Today, Chris Sale delegated hiring authority to the five cities and increased their budgets by 20 percent. She also streamlined the background clearance process some, but still anticipates a month-and-a-half to two months to get people on board.

So it did happen and it was a rather swift response.

Mr. ALEINIKOFF. Well, as I said, there were some suggestions that NPR made to us. One of importance to us was they looked at how long it was taking us to hire people. Our problem was we had a lot of adjudicators we needed to bring on. Because of the budget crisis and the furloughs, we were unable to do that. We were behind in achieving our goals for the year because of that.

NPR looked around and said, gee, you could hire your folks much more quickly if your background check—without changing the standards, if you simply got the FBI to respond more quickly to you on fingerprint checks, you could bring people on in a much shorter period of time. We took their advice on that one and we are glad we did. We have now used that with the hiring of many of our personnel. It was an efficiency in the process without a sacrifice of standards. So on that one, that is correct.

Senator SIMPSON. Well, I have taken extra time and Senator Kennedy is certainly entitled to any further, if he wishes. I just wanted to clarify that something is going on and somebody would have to know that something is going on when you get that kind of E-mail floating around in the system.

Mr. ALEINIKOFF. Well, if I could, Senator, I agree with you entirely that the naturalization process cannot and will not and should not be politicized. This is a precious right, as you describe. The Immigration Service went into Citizenship USA knowing the importance of citizenship and respecting that importance. We did not permit it to become politicized and we will not do so.

Senator SIMPSON. Well, you can't. It is disgusting in prospect to me as a citizen of the United States, not as a U.S. Senator.

Did you have something to add, Mr. Rosenberg?

Mr. ROSENBERG. I would just say it is also a dangerous precedent for us if that were to occur. Certainly, we were careful from the very beginning to protect the whole nature of the process. It is not to say that there weren't people who had their own ideas on why they might think this was a good idea around the country, but it is to say that the INS did not act on that.

Senator SIMPSON. Well, I thank you.

Senator KENNEDY. Just briefly, as I understand, Farbrother is a career civil servant and is over in the Pentagon. As I understand it, he is not a political figure, as has been represented to me. The other point is that if they have been doing it for political purposes, here you have the Republican Congressperson in Miami, Representative Ros-Lehtinen, who testified in the House that the new citizens in Miami are registering as Republicans 6 to 8 times the rate they are registering as Democrats. Mayor Giuliani in New York, a Republican mayor, has welcomed and commended Citizenship USA.

I agree, certainly, with the thrust of Senator Simpson's—but, of course, here you had George Bush appearing in the Orange Bowl 6 weeks before the Republican election the last time out for all new immigrants in Miami in the last presidential election. He wasn't out there, I don't believe, just urging good citizenship. There was certainly a patina of interest in terms of encouraging them to vote in that campaign.

I agree with Senator Simpson that this ought to be done for the reasons that he has outlined—you know, there are going to be enthusiastic people in different places that are going to carry these things on. We are all aware of that. I mean, I used to write people in my own State of Massachusetts every time they became a citizen. I wrote them and congratulated them. My Republican colleague never did. Some would say, well, that is politicization of the process. There are all kinds of ways of doing it and I think all of us want to make sure that it is done in the ways in which it should be done, and that is devoid of as much partisanship as possible.

Senator SIMPSON. I think that is true. I think there is no more moving thing than to go to one of those ceremonies, and you and I have been there. When they turn in their green card and raise their right hand and suddenly they have that piece of paper in their hand and have sworn an oath and allegiance, that is a very moving thing. We don't want to tarnish it, certainly.

I thank you very much. You have been very helpful, very helpful. I will have more questions to submit in writing.

[The prepared statement of Mr. Aleinikoff follows:]

PREPARED STATEMENT OF T. ALEXANDER ALEINIKOFF

Members of the Subcommittee: Thank you for the opportunity to share with the Committee the recent achievements of the Immigration and Naturalization Service (INS) to process the largest number of applications for citizenship in our nation's history in a fair, accurate, and timely manner. At the same time that our border and worksite enforcement and removal efforts have gained public attention and been supported by unprecedented levels of Congressional appropriations, our Citizenship USA program has made the "N" and "S" of INS a reality for over one million fee-paying legal immigrants who have played by the rules and sought, as generations before them, to become United States citizens. We are proud of our accomplishments in the first year of Citizenship USA. We have successfully adjudicated 1.3 million naturalization applications, resulting in 1.1 million new American citizens without reducing standards or compromising the integrity of the adjudication. We have reduced processing times for citizenship applications nationwide to traditional levels while maintaining the integrity of the citizenship process, and have initiated major improvements to naturalization procedures and operations. We have reached out to local officials, civic associations and community service organizations throughout the country to involve communities in training, assisting and preparing legal immigrants for the citizenship process and welcoming successful applicants as new Americans. By redesigning outmoded processing methods, we have demonstrated that a Federal government agency can respond to an unprecedented workload increase and fulfill its obligation to maintain the public trust. Our efforts have received bipartisan support from Congress and other elected officials.

HISTORY OF CITIZENSHIP USA

Let me briefly review the history of Citizenship USA. Improvement of the naturalization program has been a high priority for Commissioner Meissner from the time she came to INS in October, 1993. At her confirmation hearing before this committee, she expressed her belief about the importance of naturalization for immigrants, for their communities, for the INS and for America. And she stated her intention for the Service to be "much more active * * * were naturalization is concerned."

We designed Citizenship USA to address a particular crisis we faced in fiscal year 1995: a huge and growing backlog of naturalization applications. In many places, long-term legal permanent residents would apply and pay their fee—naturalization is not paid out of general revenue—and then had to wait two to four *years* to complete the naturalization process. Such procedural delays were and are not acceptable to the INS, to the Congress or to the American people.

By early fiscal year 1995, INS was receiving applications for citizenship at an unprecedented rate, eventually over one million for the year, nearly twice as many as the previous year. By the end of fiscal year 1995, we had over 800,000 pending naturalization applications and only enough staff to adjudicate little more than half that many. The gap between our workload and our capacity was already large and was becoming overwhelming. About 75 percent of the pending caseload was concentrated in five of our 36 Districts: New York, Los Angeles, Chicago, Miami and San Francisco. As the attached chart shows, increases were everywhere, but were most prevalent in these five districts. (Attachment 1)

Applicants' fees, plus applicable penalties, pay for the entire naturalization program, unless Congress makes specific additional appropriations. Congress did not appropriate funds, but did approve our reprogramming requests to respond to this massive naturalization workload.

In approving our two reprogramming requests, (which were initially targeted to the five districts with the greatest need and later extended to permit temporary hiring in 15 additional districts with smaller, but significant backlogs), provided approximately $80 million in additional spending authority for naturalization in fiscal year 1996.

In his January 16, 1996 approval letter, Subcommittee Chairman Rogers (R–KY) wrote: "I * * * understand that with these additional resources INS intends to reduce backlogs in naturalization and adjustment of status applications so that by mid-summer, eligible persons will become citizens within six months after applying * * * I am pleased that the INS is recognizing this significant workload and addressing it in this reprogramming by hiring temporary employees to handle the

processing of workload in the six cities [1] that continue to have the largest volume of these applications."

Citizenship USA is a three-pronged strategy focused on Personnel, Process and Partnership. First and most critically, we are augmenting personnel dedicated to naturalization cases. Second, are re-examining our work processes to improve efficiency and quality. And third, we are developing partnerships with organizations to help prepare applicants and applications.

PERSONNEL

The reprogramming approval permitted us to hire over 1,000 adjudications personnel and data entry contract employees. Previously, we detailed INS employees from other offices, all of whom volunteered to be part of this project, to key districts, in order to prevent the backlog from worsening in key districts. All workers—permanent, temporary and contract—received appropriate security clearances and training and are supervised by experienced INS personnel.

In the five key districts, we opened nine new Citizenship Centers, newly equipped with updated technology, mostly located in areas that are more accessible to applicants or in areas that are some distance from existing INS citizenship services.

PROCESS

We are in the midst of modernizing and improving processing of naturalization applications without compromising our standards. In fact, our denial rate during fiscal year 1996 has risen to 17 percent, consistent with our slightly higher than traditional rates.

DIRECT MAIL

In our four largest districts (Los Angeles, New York, Miami, and Chicago) applicants can now send their naturalization forms directly to INS Service Centers, rather than having to travel to District offices simply to file their application. This streamlining allows INS to centralize and perform data entry and other administrative support functions much more quickly, and frees District Office personnel to concentrate on interviews and other adjudicative functions. It better serves our customers, who now receive prompt letters acknowledging their applications are being processed and informing them of approximate processing times. Again, this reduces phone and personal inquiries to district offices. Advanced technology also enables us to speed processing, reduce the potential for clerical error, and be more cost-effective. In a pilot program, we are testing 2–D bar-coding and optical scanning of the N–400 application.

FBI FINGERPRINT CHECKS

We have made many improvements to the fingerprint clearance process to make it as efficient and thorough as possible, thus protecting the integrity of the process.

Recent media reports reflect a misunderstanding of what we are doing, so I would like to explain the fingerprint clearance process. Each naturalization applicant between the ages of 14 and 79 must submit a fingerprint card to INS with their application. The district office sends the fingerprint card to the FBI. The FBI reports to INS as to whether there is a match with its files, and where there is a match, FBI provides the record to INS. We receive a positive response, or "hit" from the FBI in only a small percentage of cases. Since the FBI database includes not only convictions, but also records of arrests and administrative processing by INS, the number of records which represent disqualifying convictions that would bar naturalization are a fraction of the "hits." Notwithstanding, all "hits" are reviewed by the adjudicator and scrutinized to determine bearing on "good moral character."

In 1982, the INS adopted a policy of waiting 60 days after fingerprints were submitted to the FBI before processing an application. In discussions with the FBI at that time, this was determined to be an adequate timeframe in which to process the fingerprints. No response from the FBI within that timeframe was assumed to mean that there was no match with its records. In 1994, the Department of Justice's Inspector General expressed serious concerns about the safeguards in several aspects of the fingerprint clearance procedures. We have taken vigorous steps to address these concerns.

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[1] Congressman Rogers mentioned six cities because the reprogramming covered additional staff to handle both backlogged naturalization and adjustment of status applications. In addition to the other five cities, Newark, New Jersey received staff increases for adjustment applications.

In June, INS established the Fingerprint Clearance Coordination Center (FCCC) at the INS Service Center in Lincoln, Nebraska to centralize the receipt and processing of all FBI responses. This allows us to coordinate internal agency processing and provide the FBI record immediately to the responsible field office's designated point-of-contact for matching with the applicant's file. The FCCC also communicates directly with the applicant if they submit unclassifiable fingerprints, relieving the district offices of this administrative task. The new centralized system also allows for data collection and analyses that were nonexistent under the prior process. Through this centralization, we now know that "hits" are reaching the district offices before the adjudication is finalized.

Fully 95.1 percent of the fingerprint checks are completed within 60 days, and 98.5 percent are completed within 90 days. Nonetheless, in order to ensure that adjudication does not precede completion of the FBI database search, field offices are not permitted to complete the benefit adjudication process in less than 120 days from the date the fingerprint card was forwarded to the FBI, unless a response is received before that time. This ensures that in virtually all cases, the district has FBI's response to the fingerprint check before a benefit is granted.

As a further step, the FBI has recently begun producing for INS an "Aging Report" of all cases in which the FBI has not completed its processing within 90-days. This enables INS to place a hold on these specific files until the fingerprint clearance process has been completed. This important report will tell us definitively whether the fingerprint check is complete in each individual instance. The FBI has also agreed to provide INS a paper record of all negative records, or "no hit", findings. We are actively in the process of developing technology that will allow us to download electronically all FBI responses (negative and positive) into INS databases.

Another significant improvement begins on January 1, 1997, when INS will accept fingerprint cards only from Designated Fingerprint Service (DFS) providers and recognized law enforcement agencies. This is the first time that INS has regulated who takes fingerprints. We will use contractor and Service personnel to conduct random and unannounced audits. We expect this program to improve the quality of fingerprint cards submitted, increase safeguards for identify verification of the applicant and reduce the need to reject fingerprint cards.

In a very small number of cases, both in the past and recently, FBI record matches have been received after a benefit has been granted. We are currently conducting a survey or our field offices to determine the precise number of cases in which the district has become aware of a disqualifying conviction after the individual has been naturalized. Preliminary indications are that only several dozen individuals out of the more than 1.2 million naturalization applicants processed this year have been wrongly naturalized. In each of these cases, we will take appropriate action to revoke naturalization. In fact, a final rule will be published in the Federal Register shortly which will provide administrative procedures for de-naturalization which will be much simpler than the current judicial procedures.

OUTSIDE TESTING

Some concerns have been expressed about the outside testing program. We share those concerns and have acted to improve the program. I must underscore, however, ultimate decision-making has always rested with the INS adjudicator. A certificate from a private citizenship testing service noting the successful completion of a standardized test on written English and civics, does not guarantee an applicant's naturalization. Every naturalization applicant is interviewed by an INS Adjudications Officer. During this interview, an applicant must demonstrate that he or she is a person of good moral character, has been a lawful permanent resident of the United States for the required amount of time, is personally attached to the principles of the United States Constitution, and possesses an ability to speak English words and phrases in ordinary usage, unless the applicant is statutorily exempt from the English language requirements. Applicants who cannot communicate in basic English to the adjudicator, and who are not exempt by statute from the English proficiency requirement, are not eligible for naturalization even if they possess a certificate from a private citizenship testing organization. Seventy-five percent of our naturalization applicants are tested by INS on English and civics during the naturalization interview. Only twenty-five percent use the services of a private testing organization.

We have strengthened the management of the external civics testing program and added new requirements for monitoring and test integrity since it was established in 1991. Improved standards and increased monitoring to achieve compliance will directly reduce the opportunity for fraud. We are reviewing the testing organiza-

tions' own commitments to self-policing, regularly informing them of policy and procedural changes which affect their operations, and reminding our field offices of their monitoring and inspection responsibilities with regard to the private testing organizations.

The six national testing organizations must now comply with the following requirements:

All new testing affiliates must be approved by INS Headquarters after we consult with the appropriate local INS office;

All new affiliates must demonstrate educational testing experience;

Test scoring must not take place in the presence of test takers;

Identification documents of test takers must be closely scrutinized to eliminate the possibility of a person substituting for another during test administration;

Dictation of the English sentences used for proof of written English proficiency must meet more stringent requirements; and

Testing fees must not be combined with fees for other services, so that local affiliates do not circumvent the requirement that the testing fee be reasonable.

In addition, national testing organizations will be required to report to INS:

The complete testing schedule for all affiliates;

The names of all persons passing a test (and shall set up special telephone service for INS to verify the validity of a test certificate); and

Monthly results of the organization's own monitoring efforts, including any sites that are closed for cause.

INS recently contracted with a private security firm for supplemental monitoring of testing sites. In this way, we are now monitoring testing sites in several ways: Through investigations and unannounced site visits by both INS and the INS-contracted organization; through the six national organizations monitoring their affiliates; and through our own examiners monitoring the quality of applicants who appear for interview with certificates from the outside testing entities.

Finally, the Service is engaged in a fundamental review of our testing policies and procedures. Among the options being considered are the limiting testing authorization to no-for-profit and recognized educational testing organizations, as well as a possible return to INS-only testing of naturalization applicants on English and civics. We anticipate a final policy decision by the Commissioner within the next few weeks.

STANDARDS FOR ENGLISH LANGUAGE PROFICIENCY AND CIVICS KNOWLEDGE

The INS is in the process of revising the method by which we determine a naturalization applicant's English proficiency and knowledge of U.S. history and government. Lack of standardization among INS offices has, for some time, led to inconsistent standards. We are working with recognized experts in linguistics to develop standardized tests which will accurately determine an applicant's English proficiency and we are pursuing a similar approach to redesign the testing for knowledge of American civics. The standardized tests and accompanying educational materials which will be developed as a result of these efforts will be used in all INS offices as well as by any organization authorized by INS to conduct testing.

PARTNERSHIP

Citizenship USA also stresses expanding INS' partnerships with schools, civic associations, state and local officials and community organizations, to provide better service to citizenship applicants. These organizations offer information, application assistance, and English and civics classes to prospective citizens. In some Districts, INS officers conduct interviews in community sites. As a result of these partnerships, INS receives better-prepared applications and has fewer "no-shows" at the interviews. INS provides no funding and makes no payments for these activities, with the exception of one congressionally-mandated pilot project in Southern California. Only trained INS Adjudications Officers conduct naturalization interviews and adjudicate applications; these responsibilities are not delegated to any other party.

Community organizations, schools, foundations and clubs also play an active role in celebrating citizenship at swearing-in ceremonies, as they have for decades. Such partnership efforts help to build bridges and create cohesion between new Americans and established communities.

CONCLUSION

The Citizenship USA initiative is an ongoing project of the Service, and we expect it to continue for the next several years as its innovations are institutionalized throughout our system. As of today, naturalization applications are being processed within acceptable timeframes. The number of incoming applications continues at record levels, and we expect that it will remain high in the coming year. Our focus is to maintain our new level of capacity nationwide, to utilize additional means to ensure the quality and timeliness of our adjudications, and to serve as a catalyst for broad community participation in citizenship.

As I have described, the Immigration and Naturalization Service is meeting an enormous challenge, implementing an innovative and responsive naturalization reform program with professionalism and solid performance. As the Commissioner has stated many times, she is very proud of the women and men of the Service. Administering the system that decides who can become a citizen of the United States is a high honor and a great responsibility. The American people can remain confident that we are dedicated to carrying out this public trust fully and faithfully.

Attachment 1

N–400 Pending Caseload by District—September 1995

District	Pending ADE [1]	ANDE [1]	Total Pending
Servicewide	**705,266**	**97,796**	**803,062**
Los Angeles	221,962		221,962
New York City	112,811		112,811
San Francisco	98,867		98,867
Miami	46,165	52,247	98,412
Chicago	43,181	18,000	61,181
Newark	6,432	16,423	22,855
Houston	22,807		22,807
Boston	17,193		17,193
Dallas	6,471	9,380	15,851
San Diego	14,621	75	14,696
El Paso	12,948		12,948
Phoenix	12,166	54	12,220
Atlanta	7,723	1,617	9,340
Seattle	8,780		8,780
Washington, DC	7,592		7,592
Detroit	7,281		7,281
Baltimore	6,547		6,547
San Antonio	6,505		6,505
Harlingen	6,271		6,271
Philadelphia	5,198		5,198
New Orleans	4,921		4,921
Cleveland	3,505		3,505
Honolulu	3,486		3,486
San Juan	3,160		3,160
Denver	3,135		3,135
Kansas City	2,647		2,647
Buffalo	2,140		2,140
Portland, OR	1,929		1,929
St. Paul	1,732		1,732
Omaha	741		741
Helena	391		391
Anchorage	349		349
Portland, ME	317		317

[1] Applications Data Entered (ADE) are applications entered into the Naturalization Automated casework System (NACS). Applications Not Data Entered (ANDE) are applications accepted by a District mailroom, but not data entered into NACS.

Senator SIMPSON. Now panel two is Paul Roberts, the chief executive officer of Naturalization Assistance Services, Inc.; and Richard Krieger, vice president of Marich Associates, Inc. Welcome to both of you and we will look forward to having your remarks for

the record. Again, there is the time limitation and we thank you for observing that.

So if you will proceed in that order, Mr. Roberts, it is nice to see you again. Did you rest well? You did. I saw you last evening. It is not as bad as you think. It could get worse. Oh, no, no. I am sorry. Welcome. It is good to have you here, so if you want to give us a brief summary?

PANEL CONSISTING OF PAUL W. ROBERTS, CHIEF EXECUTIVE OFFICER, NATURALIZATION ASSISTANCE SERVICES, INC., LAKELAND, FL; AND RICHARD KRIEGER, VICE PRESIDENT, MARICH ASSOCIATES, INC., ROCKVILLE, MD

STATEMENT OF PAUL W. ROBERTS

Mr. ROBERTS. Thank you, Senator. Good morning. My name is Paul Roberts and I am the CEO of Naturalization Assistance Services, Inc. I would like to thank the chairman and members of the subcommittee for the opportunity to appear before you today concerning the INS standardized citizenship testing program and the role Naturalization Assistance Services has played, in partnership with INS, in making the program a success.

NAS has over 2 years' field experience in the testing program, and although the program has not been flawless, NAS is proud that it has tested almost 150,000 prospective Americans and enabled many to become part of the American dream. NAS is constantly striving to improve testing security and integrity, and to that end NAS has increased security measures to further ensure that NAS licensees strictly adhere to all rules and regulations.

As a matter of fact, an executive session to analyze and strengthen NAS procedures in the area of compliance and security is occurring as we speak. NAS has a zero-tolerance policy for cheating, and the record will reflect that NAS has acted swiftly to revoke all licensees discovered and engaging in improprieties.

From the onset of NAS' participation in this program, it was evident to us that the concept of a partnership between the Government and private industry would require constant vigilance and cooperation between the two parties to ensure that the program's objectives and requirements were met to ensure the highest standards for admitting applicants to citizenship.

In that light, NAS has worked closely with INS to keep them informed of our activities and operational methodologies, with the goal of maintaining and increasing quality control. We have participated in numerous conference calls and meetings between INS and the other nationally-approved testing entities. We have participated in national meetings of the national entities and the Service at INS headquarters. We maintain an ongoing dialog with designated INS liaison officials, and NAS conducts national conferences for all of our licensees in which the latest standards and procedures are reviewed and implemented. An NAS national conference for licensees will be conducted in November.

Mr. Mike Williams, the former Chief of the U.S. Border Patrol, and Mr. Dale Cozart, former Chief of the San Diego sector of the U.S. Border Patrol, will direct all compliance and security activities for NAS. This will ensure that NAS' licensees administer the

standardized citizenship test in a manner that preserves examination security and integrity.

In addition, NAS has employed additional security and compliance personnel who will make random and unannounced visits to our licensees' test sites, which would also include undercover operations. NAS has increased screening and monitoring of its licensees and we will continue to suspend and cancel any licensee who departs from our standards of integrity.

NAS has requested INS to raise the minimum pass percentage of examinations from 60 percent to 70 percent. NAS discussions with members of our advisory board revealed that the increased passing percentage would raise the bar for applicants and would enhance the program by ensuring the applicants possess sufficient knowledge of the topics addressed by the examination.

We also believe that the elimination of a program standard which requires that administrators read test questions orally to applicants would enhance the test's ability to assess an applicant's English comprehension. Elimination of this program standard would enable test centers to simultaneously distribute different series of examinations to applicants, thereby significantly reducing the possibility of cheating by the applicants.

For example, if proctors were not required to read the questions aloud during the test, each applicant could be given a different test drawing from the same bank of questions, thereby preventing applicants from copying one another's answers. NAS is implementing an exit identification process in which applicants will be required to display their green card and the completed test book filed prior to leaving the testing area. We also plan on implementing a fingerprint program for all testing applicants. Specifically, we plan to modify our test booklets to accommodate thumb prints for each applicant who participates in the program.

There certainly are some myths that surround the program and I would like to talk about a couple of those, two of them. One is that by passing a standardized citizenship test, that person automatically becomes a U.S. citizen. That is not true. The second one is that we guarantee citizenship by passing standardized tests. The standardized citizenship test does not certify an applicant's eligibility for citizenship, nor does it certify one's proficiency in spoken English.

Another myth is that taking a test with a national entity puts an applicant at the head of the citizenship queue and this is simply not true, also. Another myth is that the program is not administered with the highest level of test security and integrity. NAS' vigilance in this area has led to the investigation and cancellation of licensees who have not met our high standards for test administration and security.

We have always worked in cooperation with the INS, including working directly with INS agents in the investigation and, when necessary, prosecution of persons and firms involved in alleged improprieties. We recognize that these efforts require a continual review to improve our techniques.

The final myth is that the standardized citizenship test is primarily delivered by small, unreliable licensees. NAS includes among its licensees the following organizations: Catholic Charities;

American Red Cross; United Farm Workers; Dade County Public Schools; Collier County Public Schools; Riverside, CA, Public Schools; New Haven, CT, adult education centers; Solano County, CA, Department of Health and Social Services. Finally, all of our licensees are subject to the same guidelines and procedures for maintaining examination security and integrity.

Thank you.

Senator SIMPSON. Thank you very much.

[The prepared statement of Mr. Roberts follows:]

PREPARED STATEMENT OF PAUL W. ROBERTS

I would like to thank Chairman Simpson and members of the Subcommittee for the opportunity to appear before you today concerning the INS Standardized Citizenship Testing Program (the "Program") and the role Naturalization Assistance Services, Inc. ("NAS") has played, in partnership with INS, in making the Program a success.

NAS has over two years' field experience in the testing Program and although the Program has not been flawless, NAS is proud that it has tested almost 150,000 prospective Americans and enabled many to become part of the American dream. NAS is constantly striving to improve testing security and integrity and to that end NAS has increased security measures to further ensure that NAS's licensees strictly adhere to all rules and regulations. As a matter of fact, an Executive session to analysis and strengthen NAS procedures in the area of compliance and security is occurring as we speak. NAS has a zero tolerance policy for cheating and the record will reflect that NAS has acted swiftly to revoke all licensees discovered in engaging in improprieties.

Initially, I will provide a brief overview of the role of NAS and other entities in naturalization process to illustrate how the Program functions.

Next, I will address issues concerning the Program raised by the Subcommittee, particularly relating to test integrity and security. Included in this section will be recommendations for strengthening the Program.

Lastly, I will review the benefits and myths surrounding the Program.

After this brief statement, I will be pleased to answer questions concerning NAS's participation in the Program.

I. STANDARDIZED TESTING IN THE NATURALIZATION PROCESS

To understand the Program, it is useful to review the process of becoming a U.S. citizen—naturalization—and how it works. First of all, it is important to remember that only *legal* permanent residents of the United States—those with so called "green cards"—are eligible to apply for U.S. citizenship. To reach this point, an applicant must have been admitted as a lawful permanent resident and be a person of good moral character, and meet statutory residency requirements.

The first step in the process is to file an application for naturalization with the INS. The application requests the information needed by the INS to determine whether the applicant is eligible for citizenship. There are many requirements to become a citizen; passing the standardized citizenship test is only one part of the complex process.

The second step consists of a comprehensive interview with an INS examiner which cannot generally be waived. At the interview, the prospective citizen is questioned on the information provided in the application and tested in English on the fundamentals of U.S. history and government and ability to read and write English. As an alternative, an applicant may take a standardized citizenship test administered through a National Testing Entity, such as NAS, and then would not be retested on U.S. history and government by the INS examiner. *However, the applicant must still demonstrate English language ability by answering questions in English concerning the application.* Once again, the interview is conducted in English.

In other words, the INS examiner tests on spoken English while the National Testing Entities test on history, government and written English. INS *always* has a double check on an applicant's qualifications for citizenship. INS does far more than *rubber stamp* a test given by an entity such as NAS.

The alternative citizenship testing program permits INS officers more time to conduct in-depth interviews on the other substantive requirements to ensure persons of bad moral character and criminals are not granted citizenship.

Finally, if the examiner approves the application, after a final review of qualifications, the applicant will be scheduled for a naturalization ceremony, where citizenship is officially conferred.

II. NAS POLICIES

From the onset of NAS's participation in this Program, it was evident to us that the concept of a partnership between government and private industry would require constant vigilance and cooperation between the two parties to ensure that the Program's objectives, and requirements were met to ensure the highest standards for admitting applicants to citizenship. In that light, NAS has worked closely with INS to keep them informed of NAS's activities and operational methodologies with the goal of maintaining and increasing quality control.

Examples of NAS's achievements in this area have included the following:

Participation in numerous conference call meetings between the Service and the other six nationally approved testing entities concerning voluntary modifications of Program delivery standards and quality control issues.

Participation in a national meeting of the National Testing Entities and the Service at INS Headquarters, in which each of the National Testing Entities shared proprietary information concerning testing techniques, security procedures, and item development criteria.

Maintain ongoing dialogue with designated INS liaison officials.

NAS conducts National Conferences for all NAS licensees in which the latest standards and procedures are reviewed and implemented. A NAS National Conference for licenses will be conducted in November. It is mandatory that at least two representatives from a testing entity attend.

Mr. Mike Williams, the former Chief of the United States Border Patrol, and Mr. Dale Cozart, former Chief of the San Diego Sector will direct all compliance and security activities for NAS. This will ensure that NAS's licensees administer the standardized citizenship test in a manner that preserves examination security and integrity. In addition, NAS has employed additional security and compliance personnel who will make random and unannounced visits to NAS licensees' test sites, including undercover investigations.

NAS has increased screening and monitoring of its licensees and will continue to suspend and/or cancel any licensees who depart from NAS' standards of test integrity.

III. NAS RECOMMENDATIONS TO ENHANCE PROGRAM SECURITY

NAS has requested INS to raise the minimum pass percentage for the examination from sixty percent (60 percent) to seventy percent (70 percent). NAS's discussions with members of the NAS Advisory Board revealed that the increased passing percentage would "raise the bar" for applicants and would enhance the Program by ensuring that applicants possessed sufficient knowledge of the topics addressed by the examination.

NAS believes that the elimination of a Program standard which requires that administrators read test questions orally to applicants would enhance the test's ability to assess an applicant's English comprehension by requiring candidates to read and understand written test questions and apply their comprehension toward selecting the appropriate test answer. In addition, as a security measure, elimination of this Program standard would enable test centers to simultaneously distribute different series examinations to applicants, thereby significantly reducing the possibility of cheating by the applicants. For example, if proctors were not required to read the questions aloud during the test, each applicant could be given a different test drawing on the same bank of questions, thereby preventing applicants from copying one another's answers.

Require applicants to pass a spoken English proficiency test before being admitted to the standardized citizenship test. If a spoken English test was required, many of the public complaints about the program would be addressed.

NAS plans to implement an exit identification process. Applicants will be required to display their green card and completed test booklet to test proctors prior to exit. This process will prevent eligible applicants from paying an individual to take their test.

NAS plans implementation of a fingerprint program for all testing applicants. Specifically, NAS plans to modify its test booklets to accommodate a thumb print for each applicant who participates in the Program. NAS believes that this measure will significantly reduce the possibility of one person illegally taking the test for another person.

IV. BENEFITS OF THE STANDARDIZED CITIZENSHIP TESTING PROGRAM

The Program has numerous benefits to the government and taxpayers. First, by re-allocating time normally spent conducting civics examinations, INS officers are able to concentrate on a more thorough review of the applicant's qualifications and eligibility as a potential United States citizen. This "freeing up" of time allows officers to better screen citizenship applicants.

Second, by utilizing the standardized citizenship examinations, INS officers' productivity is increased, thereby reducing the need for additional INS personnel.

Third, this Program is not funded by tax dollars.

Fourth, the expertise of the National Testing Entity in delivering *standardized* examinations affords applicants a more uniform less subjective, test of their proficiency.

V. CLARIFICATION OF VARIOUS MYTHS SURROUNDING THE STANDARDIZED CITIZENSHIP TESTING PROGRAM

Perhaps the most popular myths surrounding the Program are that an applicant who passes a standardized citizenship test will:

Automatically become a U.S. citizen; or

Will be "guaranteed" U.S. citizenship.

This clearly is not the case. The standardized citizenship test does not certify an applicant's eligibility for citizenship, nor does it certify one's proficiency in English. As discussed earlier, after filing an application for naturalization, an applicant must appear for an interview with an INS examiner. At the interview the examiner questions the applicant concerning the application for naturalization to determine eligibility for citizenship. If the applicant has failed to fulfill any of the many requirements for naturalization, the application will be denied. *The naturalization interview is conducted in English, with some exceptions.*

Another myth is that taking a test with a National Testing Entity puts an applicant at the head of the citizenship queue. This is simply not true. All applicants are interviewed at INS in order of application filing, whether previously tested by an entity or at INS.

Yet another myth is that the Program is not administered with the highest level of test security and integrity. NAS's vigilance in this area has led to the investigation and cancellation of licensees who have not met NAS's high standards for test administration and security. NAS has always worked in cooperation with the INS, including working directly with INS agents in the investigation and, when necessary, prosecution of persons and/or firms involved in alleged impropriety. NAS recognizes that these efforts require continual review to improve NAS's investigative techniques.

Another myth is that the standardized citizenship test is primarily delivered by small, unreliable licensees. NAS includes among its licensees the following:

Catholic Charities
American Red Cross
United Farm Workers
Dade County Florida Public Schools
Collier County Florida Public Schools
Riverside California Public Schools
New Haven Connecticut Adult Education Centers
Solano County California Department of Health and Social Services
San Luis Obispo California Literacy Council

Finally, all of NAS' licensees are subject to the same guidelines and procedures for maintaining examination security and integrity.

Mr. Chairman, I thank you for your time and attention. I would be happy to answer the Subcommittee's questions.

Senator SIMPSON. Mr. Krieger, nice to see you again, sir.

STATEMENT OF RICHARD KRIEGER

Mr. KRIEGER. Thank you; nice to see you again, Senator. Mr. Chairman, Mr. Kennedy, ladies and gentlemen, it is a pleasure to appear before you today to speak of the Marich Associates Authorized Citizenship Testing Program and the citizenship services we provide.

Since October 5, 1994, the Marich Associates has been authorized by INS to conduct standardized citizenship testing. We conducted our first citizenship test in mid-December 1994. In accordance with the program notice of June 28, 1991, in the Federal Register, which states, "The testing entity must ensure, if concurrently providing test preparation, that test standards are strictly followed." Some Marich citizenship tests also provide test preparatory classes. One-third of our sites do not provide other services in conjunction with naturalization. If you can correct the testimony, sir, we had omitted the words "do not."

Marich currently has 44 citizenship sites that produce an average of 24 tests a month. We have tested just over 17,316 people since we began, and 13,054 have passed our tests, for an average of approximately 75 percent. The Marich Program provides a high degree of test and program security. We have provided INS and the immigration subcommittees of both Houses copies of the Marich regulations and procedures which incorporate the entire scope of INS procedures and requirements concerning U.S. citizenship testing.

Marich believes that both the INS and Marich, as a testing entity, have responsibilities to the American people for the provision of ethical, supervised, and fee-reasonable U.S. citizenship services that come under our aegis. We believe that when Marich arranges with a site for the rendering of services, the community and the alien do not differentiate between Marich and that site by viewing that only the test is from Marich and the other services are provided by the site.

In conjunction with this philosophy and the belief that we must ensure the ethical standards of U.S. citizenship programs, we have developed a process of direct on-site Marich supervision of all tests and test preparatory classes, as well as issuing strict guidelines on N–400 preparation supervised by an attorney. Further, we have established a strict, reasonable fee for services that cannot be altered by a site.

About 20 percent of our applicants take our citizenship test preparatory classes. About 25 percent have their fingerprints and photographs done by our sites, and about 10 percent have their N–400's prepared by our sites. None of our sites may provide these ancillary services outside of Marich, with the exception of a site that is a Board of Immigration Appeals-approved agency or an agency receiving a community development grant which is supervised. Additionally, no site may provide ancillary services to an individual who is not tested by the site.

Listed below are some other important facts about Marich's services. Marich has local area site supervisors who, as independent contractors, work directly for Marich. They are present at every citizenship test and test preparatory class given by a site. Marich uses several different multiple choice tests at each test session so that individuals sitting next to each other do not have the same multiple choice test. Marich provides a citizenship test preparatory class that was designed in conjunction with a former professor of the University of Pennsylvania and a faculty member from Brevard Community College.

Marich requires representatives from all sites attend a training program of 4.5 hours before they may begin operation. Marich permits preregistration for tests up to 14 days before the test. The standardized citizenship test consists of 20 multiple choice questions and 2 dictated sentences. In order to pass the test, the notice of program specifies an applicant must answer at least 12 questions correctly and write 1 sentence correctly.

In addition, Marich requires that the portion of the test answer sheet that deals with personal information be correct and that the answer sheet is signed. Further, there can be only one handwriting on the answer sheet. Marich sites never receive the multiple choice questions or sentences for the citizenship tests. The citizenship tests are in the hands of our supervisors and not the sites. The supervisor brings the tests to the test session and leaves with them after the test. The supervisor selects the 2 sentences from a list of 30 sentences that we provide our supervisors and change periodically. No sentence may be given at consecutive test sites and no sentence may be used more than three times at any site.

We are proud of the supervisors that work for us. They are degreed, ranging from a B.A., Ph.D., LL.B. Our supervisors also include a former U.S. ambassador and coordinator for refugee affairs. We are equally proud of our citizenship sites and the services to the community they provide with Marich. They are a credit to the concept of U.S. Government-private sector partnership and the diverse composition of this Nation. They include community and junior colleges; school systems; YMCA's; YMHA's; Vietnamese, Cambodian, Hmong, Lao, Hispanic, Indian, Jewish, Arabic, Afro-American, Korean, Polish and Russian agencies.

Just to conclude, Senator Simpson, we were greatly distressed about the recent media portrayal by "20/20" of citizenship testing. While we cannot comment about the validity of the statement made in the program that involved one site provider, and neither Marich nor the other entities were mentioned directly, we felt the program was blatantly one-sided and an unfair depiction of the program and, by implication, of Marich as well.

Marich provided to "20/20" a listing of our sites, operational procedures, and testing dates for January. We invited them to come without informing us of when they would be attending. We asked that they inform INS, not Marich, of the tests they would be attending; that they not photograph our tests, nor record the dictated sentences; and that they be sensitive to the individuals taking the tests. To the best of our knowledge, they have never attended one of our tests and they took pains to only televise the operations of one single site of one single entity.

We have constantly provided all INS district offices with the dates of our tests and test preparatory classes and have invited them to come in without informing us. We have extended the same invitation to the staffs of both the Senate and the House Subcommittees on Immigration, and have instructed all of our supervisors to allow these people into the program as observers.

I will save the rest for later, sir, but I would ask your permission to enter into the record these 6 letters that we have from representatives of our sites.

Senator SIMPSON. Thank you, and they will be entered in the record.

Mr. KRIEGER. Thank you, sir.

[The letters referred to follow:]

Suzanne Sareini
Councilwoman

City of Dearborn

September 1, 1996

Honorable Richard Krieger, Director
Marich Citizenship Services
17104 Laburm Court
Rockville, MD 20855

Dear Mr. Krieger,

I am writing to you as the first Arab-American elected in the City of Dearborn and for almost a decade, the only Muslim to hold any elective office in the United States.

My father came to this country at the age of eighteen in search of a better life for his family and to enjoy the very basic freedoms that our Constitution affords us. My father, like millions of other immigrants played a major role in the development of this country and I am very proud of my Lebanese Ethnic Heritage.

I wish to thank you for the citizenship programs that Marich Associates is providing in the City of Dearborn. I have seen the results first hand and I can say without a doubt that this is one of the most creditable immigration program that I have seen offered in a community center.

I wish to commend you and your staff on the professionalism and integrity with witch your program is operated. It is a breath of fresh air.

If I can be of any service to you or your staff, please do not hesitate to call.

Sincerely,

Councilwoman Suzanne Sareini

CITY HALL • 13615 MICHIGAN AVENUE • DEARBORN, MICHIGAN 48126
CITY HALL (313) 943-2604 • FAX (313) 943-2842

Home Town of Henry Ford

MOSHOLU MONTEFIORE COMMUNITY CENTER RAY AND CHARLES NEWMAN BUILDING • 3450 DE KALB AVE • BRONX, NY 10467
(718) 882-4000 • FAX # (718) 882-6360

September 8, 1996

Honorable Richard Krieger
P.O. Box 9130
Gaithersburg, Maryland 20898-0130

Dear Richard,

I wanted to take this opportunity to thank you for your assistance in helping our agency to serve immigrants. In the past two years, the Marich-United States Citizenship Program has enabled the Mosholu Montefiore Community Center to serve hundreds of immigrants who want to become United States Citizens

Thanks to your professional training and supervision, we have been able to offer Preparation Courses, Citizenship Tests, Finger Printing, Photo, and N400 assistance I have been impressed with the seriousness and professionalism of your staff and the high standards of your program

I must share with you that I always sleep better at night knowing that the Marich-United States Citizenship Program adheres to the full letter of the law and always follows all the rules set down by the Immigration and Naturalization Service

I feel confident that as more and more immigrants reach out to us for assistance, we are offering the very best service possible

Sincerely,

Don Bluestone

Don Bluestone, M.S.W.
Executive Director

SUPPORTED BY THE UJA FEDERATION OF JEWISH PHILANTHROPIES
AND THE UNITED WAY OF GREATER NEW YORK

jcc association

New York Metropolitan Martin Luther King, Jr. Center For Nonviolence

October 4, 1996

Cliff Frazier
Executive Director

Honorable Richard Krieger
Vice President
MARICH Citizenship Services
17104 Laburnum Court
Rockville, Maryland 20855

Dear Mr. Krieger:

The New York Metropolitan Martin Luther King, Jr. Center for Nonviolence has had the pleasure of working with MARICH Associates in the coordination of services that assist legal immigrants in becoming U.S. Citizens. These services have included courses in U.S. History and Government, administering the MARICH Standardized Citizenship Test, Fingerprinting & Photographing and assistance in filling out the N400 Application for citizenship.

Our association with MARICH began on April 4, 1995. Throughout this period of time, MARICH Associates has supervised our tests and courses. Their site supervisors have been thorough, punctual, pleasant and very professional.

Both Marlene and Richard Krieger, the principles at MARICH, provide excellent leadership in guiding their Citizenship Service Sites. They are always available or, if out of town, they quickly return our calls. Their knowledge of immigration laws, policy and pending legislation is very thorough. At no time have our questions gone unanswered. They are always trying to improve the services and make sure that the highest level of honesty and integrity is maintained.

Through their site supervisors, MARICH has built in safeguards that prevent dishonesty, cheating or fraud. It is a pleasure to work with such an organization and we look forward to a long and productive association.

Sincerely,

Cliff Frazier
Executive Director

576 EAST 165TH STREET • BRONX, NEW YORK 10456 • (718 589-7858 • FAX: (718) 589-7973

SEVA COMMUNITY SERVICES

137-36 Jamaica Ave., Jamaica NY 11435
Phone: (718) 297-5809 Fax: (718) 297-5815

October 4, 1996

Dear Mr. Krieger:

The Citizenship Services sponsored by Marich Associates is benefiting our Community tremendously.

This "one-stop" service is extended to resident in Queens and its bordering counties of Brooklyn and the Bronx. Seva Community services was instrumental in assisting approximately two thousand legal immigrants to become Naturalized American.

The Marich Program is very time effective since it offers a "one-stop" service (Citizenship Preparatory Course, Test, Pictures and Fingerprinting and N-400 Application forms).

This Program is very disciplined and unique since it is the only Testing Program that sends a "Supervisor" to its respective sites during a Test and Course. With the help of Marich Associates legal immigrants will be eligible for all the benefits to which other Americans are entitled to.

Since mid-June Seva Community Services has received a 200 percent increase in the number of citizenship inquiry calls every month. The number of Test applicants has also increased by 200 percent.

Local community Radio and Television Programs has responded very positively to this Citizenship Program. Churches of all different ethnicity have invited me from time to time to do open-houses. For example on Sunday-September 8th I was invited to speak at a Hindu Church in Queens, NY (a congregation of approximately 200 people). On Monday 9th September approximately fifty people from that congregation called for additional information on "How to become a citizen", and additional forty (40) came to our premises to apply for their citizenship. Seva Community Services under the direct supervision of Marich Associates is making every effort to educate the community on "WHY IT IS IMPORTANT TO BECOME AN AMERICAN CITIZEN".

Comments of Community Leaders:

The Citizenship Program offered by Seva Community Services caters for the need of the entire community regardless of ethnic background.

Dr. Dhanpaul Narine
Community Educator
Teacher- Board of Ed. N.Y.

"An excellent service that should be extended to other communities - there are people who are not quite educated and as such when it comes to citizenship they need special guidance. This service offers that guidance."

Beverley South
Bronx Church of God (Seven Day)

"Citizenship Services at Seva Community Services in Queens, caters for the needs of the community."

Caribbean Daylight
Monday April 8th, 1996

"Seva Community Services - helping legal immigrants to become Naturalized Americans."

Prime News - The Guyana
Caribbean experience
Friday - May 3rd, 1996

Kamla Ramkissoon
Site Manager

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Gateway to a Brighter Future

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Saundra Whitney
Executive Director
Mrs. Cristina Tobia

October 7, 1996

Honorable Richard Krieger, Dir.
Marich Associates
17104 Laburnum Court
Rockville, MD 20855

Dear Honorable Krieger,

I write to you to share some of the unreported outcomes, which as an administrator, I do not get to report about on the Naturalization Citizenship Program we offer. Very often, as you know, most of our reports relate to hard data and not what I call the soft parts of the program.

Since we began offering the Naturalization Citizenship Program in 1995, we have assisted over 300 immigrants to become Naturalized Citizens. We have done this, thanks to your certification of community based organizations like ours as sites for immigrants to begin the process of becoming Naturalized Citizens. This certification has allowed our community residents, mostly working class immigrants who because they hold two or sometimes three jobs, find no time to attend the two days of training and one day of testing, as required. In addition, the opportunity of being in their familiar surroundings, coupled with the course and test being offered during evenings and weekends has made it much more flexible for our community residents to finally have their dreams of becoming Americans come true.

Sincerely yours,

Yolanda Vega

Yolanda Vega, CSW
Dir., Agency Services

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October 7, 1996

Honorable Richard Krieger
MARICH Citizenship Services
17104 Laburnum Court
Rockville, MD 20855

Dear Mr. Krieger,

We, at Chabad Lubavitch of Kensington, as a part of the International Lubavitch Movement,, are serving and providing social and spiritual needs to our community. Specially the new Russian-Jewish immigrants, living in the tens of thousands in our area. After decades of suffering behind the iron curtains under the communist regime, they came here in this free country with a real hope for a bright future and freedom.

The possibility you gave us to provide services and assistance in becoming US Citizens for this immigrants are most important. For the year and a half since we start the program of administering the Marich Standardized Citizenship Tests, preparatory classes in US History and Government, assistance in filling out N-400 Forms and Fingerprinting, thousands of the immigrants went thru our Center and expressed thanks and appreciation to Marich Associates.

We would like to wish you, Mr. and Mrs. Krieger much success in all your work, especially in your great efforts to help the immigrants around the country.

Wishing you a Healthy and Sweet New Year,

Sincerely yours,

Rabbi Moshe C. Levin
Executive Director

Senator SIMPSON. Well, I appreciate your remarks here. For Mr. Roberts, we all know of the controversy concerning the fraud by some testers; the suspension of operations in November 1995; a stipulation agreement under the threat of litigation from your counsel, due in part to very lengthy and costly litigation which could arise, and millions at stake.

So what is your side of the story? You agree there have been problems. Why did they happen? Do they happen because your licensees are profit organizations? It seems to me one serious problem is if you license your activities to "nonprofits"—and you name some, Catholic Charities, the Red Cross. I don't think that gives quite a tremor to those of us in Congress as to the licensing of profit agencies who have a bottom line, which is success, which is showing figures that they are doing their job and doing it magnificently, and they always will. So I think that is going to be a problem.

But how did it all happen? How do you intend to prevent such problems in the future? What is INS doing now to oversee your operations before and after, and what experiences and training have you yourself personally had in the field of testing in these areas, because obviously this is going to receive a great deal of attention and this is your opportunity to explain what has happened?

Mr. ROBERTS. We certainly have redoubled our efforts in the monitoring. As was stated by the first panel, there are some new rules that came out October 1 that we are glad to see that will certainly enhance the program. The first suspension in November 1995 was based primarily on a news report out of St. Paul. We never had the opportunity at any point to present our side of that particular news piece, which we would have liked to have done at the time.

We hired Mr. Mike Williams and Dale Cozart to help us with our monitoring, two nationally recognized people that have come on board to once again redouble our efforts. I reiterate that we have zero tolerance for cheating and when we find cheating or any kind of inappropriate activity, we act swiftly to remove that licensee from testing. Over 65 percent of our licensees are nonprofits. We do have attorneys that test for us and we do have some forprofit groups that are community-based organizations. They have now got the IRS nonprofit status. So the large majority of our tests and licensees are from the nonprofit side.

Senator SIMPSON. You have no profit agencies as licensees, is that correct?

Mr. KRIEGER. We have one, sir.

Senator SIMPSON. One?

Mr. KRIEGER. Right.

Senator SIMPSON. Why?

Mr. KRIEGER. Well, that was an individual that we had known for a very, very long time and he was operating at a school system and it worked well for us. When we originally started, we had four forprofit agencies. We have closed all four of those, and we have additionally——

Senator SIMPSON. Why?

Mr. KRIEGER. Improprieties, sir; one of them for price-gouging, one of them for attempting to commit fraud. And we are able to do

this. Having our supervisors at every site and every test, we know exactly what is going on. One of the others was closed because he tried to influence one of the monitors, and the fourth one was closed for not adhering to contract regulations which specify that if we don't have enough preregistration to hold the test, we can't hold that test. The test is then moved over to another time.

So those were the four that we closed for that reason, but we have also closed, sir, three members of the New York Immigration Coalition; you know, nonprofit agencies. We closed four nonprofits, one of them for price-gouging, one of them for trying to crowd too many people into a test, another for disruptive activities during the commission of a test.

As Paul said, we were very pleased to see the regulations and requirements—rather, the requirements and procedures that INS came out with on the 10th of September. As a point of record, we had been implementing those at a stricter level well before that and have reported that to the INS and to your office, with copies of our regulations and requirements, sir.

Senator SIMPSON. I think there has been a lot more vigor since we announced we would have these hearings some many weeks ago in this area, and I think from reading of all of the material here, we must begin to pay attention to the profit licensees, the forprofit licensees. But, also, the nonprofit organizations may have an ideological motive or zeal that may be just as strong as the financial aspects of the forprofit organizations. That is my experience, humble as it may be.

How many licensees do you have, Mr. Roberts? How many inspectors will you assign to monitor these licensees?

Mr. ROBERTS. We currently have 170 licensees. We have 5 regional representatives, approximately 10 undercover people that speak native languages, and currently Mr. Cozart and Mr. Williams are trying to recruit retired Border Patrol officers to help us with the on-site unannounced inspections on tests.

Senator SIMPSON. Do you encourage unannounced site inspections?

Mr. ROBERTS. That is the only way we inspect sites, is unannounced.

Senator SIMPSON. Do you encourage others to do that, like those of us who have oversight and the INS?

Mr. ROBERTS. Absolutely.

Senator SIMPSON. At any time?

Mr. ROBERTS. Any time.

Senator SIMPSON. Just finally, you mentioned Dale Cozart and Mike Williams. I have come personally to know them both, very able people, former Border Patrol men. You have hired Skip Tollifson a weekend after he left the INS. He was off the payroll on Friday and you picked him up on Monday. How many other former INS officers have you hired and how long after retirement has that taken place?

Mr. ROBERTS. Those are the only INS officers that we have hired.

Senator SIMPSON. And how long did it take to—I mean, Mr. Tollifson was a weekend and he was involved in monitoring your organization as a member of the INS.

Mr. ROBERTS. He worked for INS. I don't think his primary responsibilities were monitoring.

Senator SIMPSON. It was one of them, though, was it not?

Mr. ROBERTS. It could have been, yes.

Senator SIMPSON. Thank you.

Senator Kennedy.

Senator KENNEDY. As I understand, historically about 80 percent of the testing has gone on in INS and about 20 outside. Is that your understanding?

Mr. ROBERTS. Yes.

Senator KENNEDY. It has been going on for some period of time, and I also understand that it is being reviewed within INS about whether it ought to be enhanced or reduced. We didn't get into that this morning and some time down the road maybe we will, but at least that is being reviewed. But the idea is that this contracting out has been going on over some period of time, as I understand it. I don't know whether the more recent problems that you commented on—whether those have been similar kinds of problems in the past, but they certainly have to be addressed and dealt with.

I think it is important for the Americans who are watching this to understand that even if they go on through, you have these very unfortunate incidents where you have trimming or cheating on these various programs. Even after they go through the test, the individuals still have to go through an INS system and clearance, isn't that right?

Mr. ROBERTS. Yes, sir.

Senator KENNEDY. They have to go through the interviews and other provisions. It isn't just the fact that you give them a stamp of approval, or any of these alleged sites give them the stamp of approval and they automatically get their citizenship.

Mr. KRIEGER. No; Senator, they must file an N–400 form, fingerprint form, pictures, and supportive documents with the INS. If they take the test with us and pass it, and it is the English examination, they still must be interviewed by an examiner to show that they can speak and understand ordinary English.

If I can just make one correction, sir, we are not contractors. We are authorized by the INS. We receive no funds from INS whatsoever to do this. The only funds that we receive and we divide with our sites are from the fees paid by the aliens to take the test or to take any other services.

Senator KENNEDY. Well, I think these issues have been raised and they are enormously troublesome. You are going to have an opportunity to address them and we will obviously give you a chance for that kind of response. You are certainly entitled to it, but obviously it creates an enormously adverse feeling among Americans; I am sure by those individuals who want to become citizens, too. I mean, most of them are out there playing by the rules, trying to do their work, trying to study, trying to qualify on this, and they find others are gimmicking the game on this thing. It is wrong from every point of view.

So we will have a chance to review this in greater detail down the road, but I appreciate your being here today.

Senator SIMPSON. Thank you very much, both of you. Thank you very much, Mr. Roberts and Mr. Krieger.

We will go now to the third panel, Michael J. Feuer, Director of the Board of Testing and Assessment of the National Academy of Sciences, and Bert Green, professor of psychology at Johns Hopkins University. We welcome you both to the panel and will appreciate very much having your views in the order on the witness list.

Mr. Feuer.

PANEL CONSISTING OF MICHAEL J. FEUER, DIRECTOR, BOARD ON TESTING AND ASSESSMENT, NATIONAL ACADEMY OF SCIENCES, WASHINGTON, DC; AND BERT F. GREEN, JR., PROFESSOR OF PSYCHOLOGY, JOHNS HOPKINS UNIVERSITY, BALTIMORE, MD

STATEMENT OF MICHAEL J. FEUER

Mr. FEUER. Good morning, Mr. Chairman and members of the subcommittee. It is a pleasure to be here to testify on issues related to testing of immigrants seeking naturalization.

I am the Director of the Board on Testing and Assessment of the National Academy of Sciences and an adjunct professor of public policy at Georgetown University, but I testify today as a private citizen with some expertise on testing and my remarks do not represent the opinions or positions of either the academy or Georgetown University.

Section 312 of the Immigration Act codifies in law a notion that is, at least on its surface, logical and understandable. New Americans should be able to demonstrate an understanding of the English language, including an ability to read, write and speak words in ordinary usage. Who would argue, indeed, that any American, naturalized or not, doesn't need a basic command of English?

But in making this a condition for naturalization, the act legitimates the use of "reasonable tests of literacy," as screening devices, and provides legal backing to the principle that performance on a test can open or close the gate to naturalization. Given the significance of the consequences associated with passing or failing such a test, the granting or denying of American citizenship—surely, one of the most cherished credentials on Earth—it is particularly important to assure that the tests, if they are used for this purpose, meet the highest professional and ethical standards in their design, validation, administration, and interpretation.

I am going to summarize my testimony briefly. I have the written version to be submitted for the record and I would like to just focus on three main points. First, some general principles of sound testing practices; second, some specific problems associated with literacy testing; and, third, some caution flags about section 312 in the light of these considerations.

On the general question of testing, to try to summarize that in a minute would undoubtedly blaspheme 100 years' worth of very important scientific and technological research in the field, but I will give it a shot. Testing is a tool of information. It provides estimates of human performance. Good tests are developed in a lengthy, time-consuming, technologically sophisticated and costly process, from design to item development to pilot testing, validation, administration, scoring, standard-setting, and ultimately the drawing of fair and valid inferences based on test results.

Even under the best of circumstances, though, test results come with some error. Some people who pass should have failed, some who fail should have passed. In light of the fact that tests can produce estimates with that kind of error, it is all the more important that the purpose of the testing be well-defined and well understood and the tests not be used probably ever as the sole basis for making important decisions about individuals or groups or institutions.

The second point is literacy testing, it raises some particularly complicated questions. Intuitively, we may all feel that knowing basic English usage is a worthy objective. Translating that concept into criteria that would inform the development of tests and test items and inferences from those tests is another matter. We have many different kinds of literacy tests in use currently for many different purposes. Some are oriented toward early diagnosis of reading difficulties in young children and can be useful in developing instructional strategies. Others are meant to provide broader information on the literacy of the whole population or of groups within the population, such as the National Adult Literacy Survey and other such instruments.

Others yet define literacy with respect to specific academic or work-related competencies, such as verbal skill required for liberal arts studies, let us say, or quantitative skill required, for example, to go into accounting. Many colleges and universities use established tests of English that are designed for students whose native language is not English, and they use as one of the many criteria to determine qualification for admission; emphasize the word "many."

In a word, then, the definition of literacy is complicated. It is often controversial, and the assessment becomes even more complicated and complex because of the need to determine the specific purposes, the criteria, the sample population issues, standards, the meaningfulness of scores, the enforcement of sound and ethical principles of test use.

About section 312, it certainly does open the door for what people in the testing world would refer to as very high-stakes testing, and there are several important and related values that I think need to be safeguarded in the application of this statute. Let me suggest three directions, and this can be the basis perhaps for some further discussion later.

Point No. 1 is that we need to define the purpose very clearly. Is the testing indeed intended to screen out and deny citizenship to individuals who meet other criteria, but fail to demonstrate basic English language proficiency? If so, then the test is indeed intended for use in very high-stakes decisions, and the procedures for content specification, pilot testing, validation, scoring, and cut-score determination need to meet the most exacting standards.

It would be ironic indeed if procedures used to admit newcomers to the American way of life, which stands for fairness and justice, were themselves unfair or unjust. It was mentioned earlier that perhaps we need some kind of national, broad dialog, a consensus process about exactly what kinds of standards of proficiency we have in mind.

Two other points. I see the red light is on, so I will cut them down to one sentence each. Conduct extensive experimentation with various tests to make sure that they actually serve the purposes for which they are intended. And point No. 3, make sure that we regulate this entire process effectively so that the integrity of naturalization, as well as the integrity of testing, can be safeguarded.

Senator SIMPSON. Thank you very much.

[The prepared statement of Mr. Feuer follows:]

PREPARED STATEMENT OF MICHAEL T. FEUER, PH.D.

Good morning Mr. Chairman and members of the subcommittee. My name is Michael Feuer. I am pleased to have this opportunity to testify on issues related to testing of immigrants seeking naturalization as American citizens. I am currently the Director of the Board on Testing and Assessment of the National Academy of Sciences, and adjunct professor of Public Policy at Georgetown University. I have been involved in research and analysis on matters of testing and public policy for over a decade. Prior to joining the Academy I was a senior analyst and project director at the Office of Technology Assessment, where I specialized in education, psychological testing, and human resources policy.

My testimony today does not necessarily represent the opinions or positions of the Academy, the National Research Council, or the Board.

Section 312 of the Immigration Act codifies in law a notion that is, on its surface, logical and understandable: new Americans should be able to demonstrate "an understanding of the English language, including an ability to read, write, and speak words in ordinary usage * * *." Indeed, who would argue that any American—naturalized or not—does not need a basic command of English? In making this a condition for naturalization, however, the Act legitimates the use of "reasonable test[s] of * * * literacy" as *screening devices,* and provides legal backing to the principle that performance on a test can open or close the gate to naturalization. Given the significance of the consequences associated with passing or failing such tests—the granting or denying of American citizenship, surely one of the most cherished credentials on earth—it is particularly important to assure that the tests meet the highest professional and ethical standards in their design, validation, administration, and interpretation.

In my testimony I will focus on the following issues:

General principles for sound testing practice;
Specific issues related to tests of English literacy; and
Implications for the uses of tests in naturalization proceedings.

I. PRINCIPLES OF GOOD TEST PRACTICE: AN ABRIDGED GUIDE

Tests are tools of information. They provide estimates of knowledge or behavior based on samples, and scores are therefore always subject to error.

The first step in the process of making a test, therefore, is to determine the purposes to which the test information will be put. Who will use the data? What decisions will rest on the scores? This is a seemingly simple and straightforward principle—that definition of purpose should precede and inform design and application—but it is often overlooked by test makers, test users, and policy makers who rely on test data. In the US we do a great deal of testing, for many different purposes. For example, we use tests to:

Diagnose various types of learning processes in students, and give teachers, parents, and learners useful information to guide practice;

Check annual progress (achievement) of individual students or groups of students in mastering subject matter;

Evaluate the condition of education in the nation as a whole, using such instruments as the National Assessment of Educational Progress;

Provide information to employers about the expected performance capabilities of job applicants;

Select new recruits into various training and specialty programs in the armed services;

Provide information to college admissions officers about the expected academic performance of student applicants;

Determine eligibility for special programs in education and training institutions (e.g., special education, gifted and talented, firm-sponsored training, etc.); and

Assess the literacy—verbal, numeric, scientific, historical—of the population at large or of specific groups within the population.

The importance of understanding the purpose of testing as a prerequisite to design and administration cannot be overemphasized.

The next step is to develop items—short answer questions, essays, performance tasks—that provide a reasonable measure of the broader domain of interest. For example, if we are interested in testing an individual's mastery of the high school science curriculum in a particular school district, we might design a test that includes different kinds of items (short answer questions to establish basic factual knowledge, longer and performance-based items to establish scientific reasoning processes), which together give a reliable measure of the test-taker's competence in the defined subject area. Defining the subject area and linking test items to content are ingredients in what testing professionals call "validity," i.e., the extent to which a test measures what it is supposed to measure. Obviously, a test that is intended to measure the skills necessary to be a good science writer would be quite different from a test intended to measure an individual's skill in performing chemical experiments in the laboratory—even though they both, ostensibly, would measure something about science.

Writing test items that appear to cover the intended domain is just the beginning of a crucial and often time-consuming process of "test validation," which refers to the gathering of empirical evidence linking test performance to the broader domain that the test is intended to estimate. Returning to the science example, this stage in the design process involves careful scrutiny of test items by content experts, so that, for example, questions about the molecular structure of cells are drawn from—and provide an indicator of—accepted scientific knowledge; administering the test items to samples of students to explore empirically the ways in which items are interpreted by potential test-takers; checking the relationship of their scores to other independent sources of data about their science competency; comparing the accuracy of different types of items; and, overall, developing a sound basis for using the test beyond the experimental sample and as a basis for inferences about students' mastery of the defined material. These are not simple or trivial exercises, and they require a delicate blending of content expertise, psychological theory, statistical analysis, and editorial finesse.

The next question becomes how to interpret the scores. Suppose we have a science test with items that are well-suited to estimating mastery of a broader curriculum. What does a score of 75 mean? Is 80 good enough? Obviously, a score is meaningless unless it is understood to relate to something: if my body temperature is 103, that is meaningful only because I know that average human body temperature is around 98. In educational and psychological testing, too, scores cannot be understood in a vacuum. Test developers must therefore develop norms, or standards against which to understand scores obtained by individual test takers. Some norms are established by giving a test to a sample population that is representative of the population that will later be given the real test; then, individuals who are tested can interpret their scores in relation to the distribution of scores obtained in the representative population. Although these so-called "norm-referenced tests" are sometimes criticized as reinforcing competitive ranking and sorting, they are still widely used in many contexts; perhaps the most familiar is the nationally-normed educational achievement test, results of which are presented to enable individual students to judge their performance relative to a large nationally-representative sample of students in their age and grade group. Alternatively, a test can be normed against a defined body of knowledge, so that the score is not just a ranking of individuals compared to one another but an estimate of one's knowledge relative to the ideal or total knowledge one might theoretically have in a given subject. For such a test, a score of 75 suggests something about how much of the curriculum the test taker has mastered.

Without belaboring the details, suffice to say that norming is, itself, an essential part of the test design process, and an undertaking of substantial statistical complexity that is both time-consuming and costly when done properly. Based on norming studies and the precise definition of how test scores are indicators of future performance, an important next step for tests used in screening, selection, and some system-monitoring contexts is the determination of cutoff scores. This step essentially involves asking the question: how good is good enough? Standard-setting and the application of cutoff scores is, itself, a major subtopic in test theory and practice. It is crucial to remember that test scores are estimates, and that no matter where one puts the cutoff, some individuals who should have passed will fail and others who should have failed will pass.

Assuming that test content and norms have been obtained, the next step is to assure proper administration. To assure fairness and test validity, it is obviously im-

portant that items remain secure. In addition, standardized tests are called that in part because they are administered under uniform conditions for all test-takers. (A related issue is establishing acceptable conditions for variations from uniform administration, in order to accommodate religious observance, physical disability, or other extenuating circumstances. The design of testing accommodations is, in many ways, nearly as complicated as the design of tests.)

The final step in sound test practice is scoring and score-reporting. With the advent of computer technology, standardized multiple-choice tests became increasingly economical to score; in addition, there is minimal error in scoring these types of tests. However, drawing inferences from scores is another matter, one that if not handled with attention to the subtleties (and fragilities) of test design, norms, and standards can lead to particularly serious mischief. Unfortunately, the history of testing in the US is a mixed record of extraordinary progress in test design and use and of egregious errors in the classification of individuals, groups of individuals, and institutions.

II. TESTING ENGLISH LITERACY: ISSUES FOR CONSIDERATION

In the wording of the Immigration Act, naturalization is to be dependent on an applicant's demonstrated ability to "read, write, and speak words in ordinary usage in the English language." Superficially, at least, this wording suggests that the first condition for sound test practice—specifying content to be measured—has been satisfied. But has it? What exactly is meant by "ordinary usage?" And how shall we judge ability to read, write, and speak "ordinarily?" Indeed, though the framers of the law may have had a strong intuitive understanding of their expectations of new Americans, the law itself does not provide the kind of specificity that good test-makers would need to design appropriate instruments.

To understand why this is a more complicated issue than might meet the eye, consider the issue of literacy testing in the US. What is meant by literacy? Is it functional literacy, i.e., the cognitive skills without which people cannot function well enough to hold a job? Is it numerical literacy at a level required for college-level calculus, employment in a fast-food outlet, or admission to an advanced program in accounting? Is it verbal literacy at a level required to read labels on grocery products, write a letter to a member of Congress, or edit an encyclopedia of psychological measurement. What levels are really required?

There are perhaps as many definitions of literary—and levels of literacy proficiency—as there are literate adults. The variety is reflected in the diversity of programs offered by schools, libraries, community organizations, churches, and government agencies. Among the many literacy programs are "Time to Read," a national volunteer program that emphasizes one-on-one and group interactions with assessments that are intended to provide close interactions between tutors and learners; reading programs in the Federal Prison System, which are more standardized-test oriented; the City University of New York Adult Literacy Program, which specifies that standardized tests should be only one component of assessment; and Comprehensive Adult Student Assessment System, used in all California programs that receive federal Adult Basic Education funds, which emphasizes literacy as skills needed for specific competencies.

Assessing literacy, therefore, is not trivial; it is simply not enough to say that literacy tests should assess an applicant's ability to read or write "simple words and phrases * * *." without specifying more about the context in which applicants are expected to use those words and phrases in their lives. To illustrate this point, it may be worth considering one of the more established and widely-used tests, the Test of English as a Foreign Language (TOEFL). The TOEFL is used by many colleges and universities in their screening and selection of foreign students for admission to undergraduate and graduate programs. As part of the design and validation process for TOEFL, scores are correlated with subsequent performance in various academic programs; thus, performance on the test is a signal of a specific definition of literacy that pertains to future academic work. In mentioning this example, I am not endorsing the TOEFL, but rather drawing attention to the importance of context in defining literacy and designing and validating tests.

III. TESTING FOR NATURALIZATION: PUTTING THE PRINCIPLES TO WORK

How might the principles of sound testing practice, and specific issues related to testing literacy, be applied to the legal mandate found in Section 312?

1. Define the purpose more clearly

Is the testing intended to screen out and deny citizenship to individuals who meet other criteria but fail to demonstrate basic English language ability? If so, then the

test is intended for use in reaching extremely "highest-stakes" decisions, and the procedures for content specification, pilot-testing, validation, scoring, and cutoff score determination need to meet the most exacting standards. It would be ironic, indeed, if procedures used to admit newcomers to the American way of life, which stands for fairness and justice, were themselves unfair or unjust!

Alternatively, if the test is intended as a basis for diagnosing English language deficits and recommending programs of remediation, its design and validation would necessarily be different. I mention this possibility in the hope that Congress will consider the value in helping new Americans find their way to improving much-needed literacy skills, rather than simply denying citizenship status to those who do not yet possess those skills.

2. Conduct extensive experimentation with various tests

If the intent is to use tests as gatekeepers to citizenship status, then they need to be rigorously evaluated with respect to the relationship between test scores and some other criterion such as subsequent functioning at work or school. In a word, tests approved for use in such a high-stakes context must undergo rigorous validation, lest potentially "literate" citizens be mistakenly denied entry or potentially "illiterate" ones be admitted. (It is important to emphasize that both types of misclassification error can occur even with tests that have been through extensive validation; it would be useful to investigate the potential losses to American society of both types of error, and incorporate that information in the broader validation exercise.)

3. Regulate test use carefully

There are at least two important and related values to be safeguarded in the application of Section 312: one concerns the integrity of the naturalization process, and the other concerns the integrity of testing. Given the complexities associated with defining concepts such as literacy, the enormous empirical work that would be required to demonstrate validity of different types of literacy tests for new Americans, and the possibility of error in classification that can have dramatic individual and social consequences, it is not entirely clear that tests should be used at all in the naturalization process. If they are used, they need to be checked regularly against validity evidence, and they need to be updated periodically to account for shifting requirements of work, school, or other activities in which new Americans are expected to participate. Unless these conditions are met, it is likely that massive numbers of individuals will "pass" even if their literacy skills are questionable, or that massive numbers will "fail" even though they are highly likely to become literate and function effectively as Americans. In the first scenario, the credibility of testing is compromised; in the second scenario, the credibility of our citizenship process is compromised. Both outcomes should be avoided.

Senator SIMPSON. Mr. Green, please.

STATEMENT OF BERT F. GREEN, JR.

Mr. GREEN. I am a professor of psychology at Johns Hopkins University and my specialty is the technical aspects of the design and evaluation of educational and psychological tests. I have been a technical adviser for other departments of the Government.

My discussion assumes that new testing instruments are going to be devised for assessing the ability of candidates for naturalized citizenship to use the English language, as well as their knowledge of civics. The comments also would apply to the evaluation of existing tests.

Tests should conform to the standards for educational and psychological testing developed by the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education. They have been revised often and are usually recognized by most testing organizations. If I am representing anybody, I suppose it is those standards.

It is most important that the testing be objective and standardized, which simply means that every candidate should be treated exactly the same. Everyone deserves the same fair chance to suc-

ceed. It is not always easy to determine what is fair, but equal treatment would seem to be fundamental.

In developing a standardized test, the first task is to specify its content. What is to be tested? In this case, the content according to the law is reading and writing English, as well as speaking and understanding spoken English. In addition, some knowledge of U.S. history and Government is required. For purposes of test development, the content must be specified in much more detail. Experts in language testing and teaching should be consulted to assist in preparing detail specifications which would then become a sort of blueprint for the test. For example, ability to read what? Presumably, signs, newspapers, instructions for using equipment, but not novels. A committee of experts, and perhaps laypersons and Congresspersons as well, should come to agreement about the particular nature of the content to be included.

Second, what tests should be prepared? Presumably, history and government can be combined in one test, but should the four aspects of English usage be assessed by four separate tests or can several aspects be combined into one test? If several tests are to be used, then must the candidate pass each aspect or can excellence in reading and writing make up for inadequate oral performance?

What test medium should be used? Today, many new tests, as well as many old tests, are being given by computer. The paper-and-pencil test is generally being supplanted. Computer-based tests have the advantage of standardization, efficiency and security. Also, where appropriate, individuals can work at their own pace, so issues of test speediness are minimized.

In this instance, the test of history and government can certainly be given by computer. Reading could also be tested by computer. Writing may well require a written test. Oral language performance may require individual testing, although the use of audio tapes or the audio capabilities of computers is feasible. The computer is probably not up to evaluating spoken responses, but certainly it could record such answers for later evaluation by a trained examiner.

Well, given content specifications and a choice of medium of administration, then the test developer can readily develop a large number of test questions, which we call items. A large number of items is needed because some will turn out not to be very good. All items should always be pretested to check that they are working in the way they are supposed to. Statistical analysis of the results of pretests can determine which items must be weeded out. A few will turn out to be too easy or too hard or misleading.

Serious problems arise when testing persons for whom English is not the first language. Lots of misunderstandings are possible in those situations. It would be necessary to pretest the items with persons having a variety of language backgrounds. A large number of items is needed for a second reason which we have been hearing about already today. If a paper-and-pencil test is used, there has to be several versions for purposes of security and fairness.

In the computer version, a large bank of items should be available for the computer to draw upon. The best plan would be to use the computerized mastery test which is designed to make accurate

pass/fail decisions, but not to distinguish between those who are excellent from those who are only satisfactory. Nor do mastery tests try to tell you how badly someone has failed. They focus on the place where the decision has to be made. In such tests, the test can proceed until a candidate clearly passes or clearly fails. This may occur swiftly, within 10 or 12 items, or it might proceed for many more items. These procedures are currently in use and would seem to me very easily adapted to the current situation.

A third reason for developing many forms of the test is that one or two forms can be disclosed and can be given to prospective candidates so that they will be familiar with what they would be expected to do on the test, also a common practice these days. The operational test versions, of course, should be kept secure and not disclosed.

The process of making sure that equivalent versions of the test are, in fact, equivalent is called equating. It is highly statistical, but it is a commonplace procedure. The Armed Services Vocational Aptitude Battery, for an example, used for initial selection of candidates for military service typically uses six equivalent versions at a time and then replaces those versions with new versions every few years. Today, that test is being given by computer and uses two or more large banks of test items. Equating procedures guarantees that all candidates are treated fairly even though they don't take precisely the same test.

Well, once the tests have been developed, they should be checked for reliability to make sure that if someone takes the test twice, they should get about the same score or have the same decision made about them. Validity is also an important issue that we could discuss and I will discuss more in the written version.

Finally, setting passing scores is not easy. How good is good enough? Saying 60 percent or 70 percent ought to pass doesn't mean anything when you come right down to it because 60 percent or 70 percent of what, easy items or hard items? There are elaborate procedures in place now for setting such standards. It involves expert judgment and it is always open to discussion, but it can be dealt with.

Thank you for your attention.

[The prepared statement of Mr. Green follows:]

PREPARED STATEMENT OF DR. BERT F. GREEN, JR.

My name is Bert F. Green, Jr. I am a professor of psychology at the Johns Hopkins University, Baltimore MD. My specialty is the technical aspects of the design and evaluation of psychological testing and assessment. I have been an advisor on testing matters for the U.S. Department of Defense, the Department of Labor, and the Department of Education's National Assessment of Educational Progress.

This discussion assumes that new testing instruments will be designed for assessing the use. The test should conform to the Standards for Educational and Psychological Testing developed by the American Psychological Association, the American Educational Research Association, and the National Council on Measurement in Education. It is important that the testing be standardized, which means simply that every candidate should be treated the same. Everyone deserves the same fair chance to succeed. It is not always easy to determine what is fair, but equal treatment would seem to be fundamental.

The first task in developing a standardized test is to specify its content. What is to be tested? In this case, the content includes reading and writing English, as well as speaking and understanding spoken English. In addition, some knowledge of United States history and government is required. For purposes of test development, the content must be specified in much more detail. Experts in language teaching

and testing may be useful in preparing the detailed specifications, which are a sort of blueprint for the test. For example, ability to read what? Presumably signs, newspapers, instructions for using equipment, etc., but not novels.

Second, what tests should be prepared? Presumably history and government can be combined in one test, but should the four aspects of English usage be assessed by four separate tests, or can several aspects be combined in one test. If several tests or subtests are to be used, then must the candidate pass all aspects, or can excellence in reading and writing make up for inadequate oral performance?

What test medium should be used? Today, many new tests, as well as many old tests are being given by computer. The paper and pencil test is generally being supplanted. Computer-based test have the advantage of standardization, efficiency, and security. Also, when appropriate, individuals can work at their own pace, so issues of test speededness are minimized. In this instance, the test of history and government can certainly be given by computer. Reading can also be tested by computer; writing may require a written test. Oral language performance may require individual testing, although the use of audio tapes or the audio capability of computers is feasible today. The computer is probably not up to evaluating spoken responses, but it can certainly record such answers for later evaluation by a trained examiner.

Given content specifications and a choice of medium of administration, the test developer can readily develop a large number of test questions, which are called items or tasks. A large number of items is needed because some will turn out to be poor items. All items should always be pretested to check that they are working in the way they are supposed to. Statistical analysis of the results of pretests can determine which items must be weeded out. A few will turn out to be too easy or too hard, or misleading. Serious problems arise when testing persons for whom English is not the primary language. It will be necessary to pretest the items with persons having a variety of language backgrounds.

A large number of items is needed for a second reason. If a paper/pencil test is used, there should be several versions of the test, for purposes of security and fairness. For the computer, a large bank of items should be available for the computer to draw upon. The best plan would be to use a computer-based mastery test. A mastery test is designed to make accurate pass/fail decisions. Such tests make no effort to distinguish between those who are excellent from those who are only satisfactory, nor do mastery tests try to tell how badly someone failed. The test's job is to determine whether the candidate passed or failed. The test proceeds until the candidate clearly passes or clearly fails. That may occur swiftly, within ten or twelve items, or the test may proceed for many more items. Usually the decision can be made quickly. Current test theory has been developed so that equivalent tests can be formed by selection from a large bank of possible items.

A third reason for developing many forms of the test is that one or two forms can then be disclosed, and can be given to prospective candidates, so that they will be familiar with what they will be expected to do on the test. The operational test versions should be kept secure, and not disclosed.

The process of making sure that equivalent versions of a test are fact equivalent, is called equating, and is highly statistical, but is a commonplace procedure in testing organizations. The Armed Services Vocational Aptitude Battery, used for initial selection of candidates for military service has in the past used six equivalent versions at a time, and has replaced them with new versions every few years. Today, the test is being given by computer, and uses two or more large banks of test items. Equating procedures guarantee that all candidates are treated fairly, even though they don't take precisely the same test.

Once the tests have been developed, they should be checked for reliability. A test is reliable when a person who takes the test twice, gets about the same score both times. The scores may not be exactly the same, because some degree of measurement error is inevitable, but the scores should be sufficiently stable to be believed. For a mastery (pass/fail) test, reliability refers to the consistency of the pass/fail decision.

Validity is another aspect of test quality. Validity refers to the extent to which the text measures what it is intended to measure. In this case, the main evidence for assessing validity comes from a check of the test items to be sure they match the test specifications, together with a judgment that the test specifications are appropriate.

Setting passing scores is not easy. How good is good enough? Current practice involves assembling subject matter experts to judge, for each test item, the likelihood that someone with a borderline proficiency would answer the item correctly. Another method involves giving the test to some persons who are clearly proficient and to some who are clearly not adequately proficient, and determining the score that best separates these known groups. None of the methods is foolproof. The issue of Stand-

ard-setting is getting much attention these days, and better methods will evolve. Expert judgment is inevitably involved. The problem is to obtain expert judgments in a consistent manner.

Senator SIMPSON. Thank you, doctor. In your testimony, doctor, you say it is very important that tests be standardized, and indeed we know that. And then we have this requirement, the ability to read, write and speak words in ordinary usage in the English language—very different from the American language—as well as knowledge and understanding—that is the phrase, "understanding"—of the fundamentals of U.S. history and the principles and form of Government of the United States.

INS tests this English-speaking ability through the interview, and a later witness will testify this morning that those interviews are certainly less in time now than ever before because of the standardized tests. So when we say the standardized test is something that is not the full requirement, it isn't, and we are all correct on that, but it is a larger quotient than it was before or else we would not be reducing the time of the personal interview. Anyway, that is conducted, and I don't believe there is a standard set of questions or that every examiner requires the same level of ability.

Do you believe that this kind of process will provide the standardization that should be present or that we seek? Do you have any suggestions about how the required level of English-speaking ability might be tested? I would also be interested in Dr. Feuer's thoughts on that issue.

Mr. GREEN. Well, using an interview is always dangerous because of the interactions of the interviewer and the interviewee. So it is always better, to the extent possible, to avoid individual one-on-one testing. To some extent, that is not going to be possible here, but it certainly can be done with written and reading testing. With oral procedures, you can use tapes, and so on, to try to avoid the individualization which those of us in the technical side of things are always nervous about. It is always best if everything happens the same for everybody.

Senator SIMPSON. Mr. Feuer.

Mr. FEUER. On your second question about ways in which to test English, I go back to the question as to how this information is going to be used, Senator. I am not aware of frankly any test of English that I feel comfortable would be the criterion for citizenship. I mean, you said it quite eloquently yourself at the opening that either we have questions that are so easy that almost anyone can pass, and in some way they represent, you know, what seems to be at least an intuitive notion of what basic English is, or they become more difficult, in which case you have got a very significant standard-setting issue about which I don't think there is really consensus.

One of the problems here is that trying to link test performance to some future criterion of activity is a tall order. People coming into this country go into many lines of work, many types of educational experiences, and the kind of literacy that they are going to need to function effectively varies tremendously. I say that as the son of two naturalized citizens and as the husband of a third, and we have got all kinds of literacies around my household. But

people are functioning in many different ways and I don't think there is a single test that any one of them should have been subject to as a basis for citizenship.

Senator SIMPSON. Well, I think one thing that would be helpful is to gather together what provisions should perhaps be made in a "standardized test" that might be submitted to the bipartisan members of the House and Senate committees that have the oversight jurisdiction. Then we won't have these problems where people write to us and say, you know, the three colors of the flag, what has happened to America, versus somebody who writes to say, well, you know, we are not talking about the Federal court system in the district where they are from. We do have three branches of government and we do have this.

It is difficult, and we don't want to be exclusive and do it through the testing process. Dr. Feuer, you talk about validity, and you do, too. Does a test measure what it is supposed to measure? We will have to find what are the "fundamentals of U.S. history," the things I suppose we learned in our day. Who was George Washington? Maybe they ask that. I don't know. Abraham Lincoln? Thomas Jefferson? I think those are important things.

You state that all test items should be pretested to check to see that they are working and to examine whether they are too easy or too difficult and, that is going to be tough to design. Then, Dr. Feuer, you state that the statutory language does not provide the kind of specificity that testmakers would need to design appropriate instruments.

Do you have any suggestions for us about the type of statutory language or additional guidance that should be provided? That can lead us into curious avenues, too, and your thoughts on that, please.

Mr. GREEN. Well, pretesting is easy enough. You have a testing program ongoing and so you can at the same time ask them to take a series of questions for some experimental test that you are trying to produce. You might even say, if you are willing to do this, we will give you a reduced fee for having taken the original test. That sort of thing can be always worked out, but it is important to do because you can never tell by just reading the question whether it is really right. It may have some peculiar nuance that you didn't expect because you can read English ever so much better than these people can.

Mr. FEUER. I wish I had a specific phrase to suggest to you. I would recommend some kind of language that emphasizes the importance of these kinds of validation techniques and methods as a basis for deciding on what kinds of tests to use. If we look around, there are some very reputable tests that are used for specific purposes that have high-stakes consequences. College admissions tests of the type that you are very familiar with, I am sure, go through very extensive statistical and psychological sort of pretesting and validation, all in an effort to maintain the integrity of the whole process so that people taking the test have some reasonable sense that this is related to future performance.

The testing companies, the reputable ones that are involved in this, devote a good amount of resources to making sure that that connection is there, and even then it is controversial, but at least

that effort is made. Defining what kind of literacy we really think new citizens need in order to function when they acquire this citizenship is worthy of some kind of public discussion, at least as much as the discussion about educational standards for people who are already here.

Senator SIMPSON. I think that is our goal. It is what we want out of persons. We want a sufficient English ability to respond to people in the community, to respond to emergencies within their family, to respond to directives of teachers or law enforcement persons, who can understand an election ballot and what it is, who can ask directions and perhaps give directions, and I suppose have some knowledge of the front page of a newspaper or a flyer. Those are not too much to demand, but those are just sufficient English to become a successful and productive American without being restrictive in any way.

Ted.

Senator KENNEDY. A pretty good definition that Senator Simpson gave there. You know, there is a sort of folklore up in my part of the country about the story about an immigrant who took the test and always missed it by one point. He could never get this question right and the question was do you favor the overthrow of the Government by force or violence?

Senator SIMPSON. He couldn't figure out which.

Senator KENNEDY. He couldn't figure out which, and he kept failing and after he missed it twice, he came up and asked me. [Laughter.]

When you were talking about nuances about how people look at it, you know, that was at least allegedly—it is a good story, whether it was true or not.

Senator SIMPSON. I am writing it down.

Senator KENNEDY. How many repeat the test if they fail it? Do you have any kind of awareness about those? Maybe it is better to ask the INS.

Mr. GREEN. We are not the persons to ask, but I would imagine it would be fairly common.

Senator KENNEDY. The other point is we don't really do much followup on people that get by the test on what happens to them; I mean, whether there are those who take the test and pass it or get certain grades in certain ways and find out where they are in terms of their citizenship, and which ones have been effective and which ones haven't been. I don't know whether that makes a good deal of sense as we come on into this whole area or not. Maybe it does, maybe it doesn't, but I think we try and do that in a lot of different areas of public policy—postmarketing surveillance in prescription drugs to try and get them on track early and then careful reviews to find out, you know, which ones do and which ones don't, and what the tests were for those kinds of things.

Maybe that is asking too much to try and do an evaluation of the people that take the test and pass it and how they turn out. Maybe that is too tough. I don't know whether you think you could formulate some kind of way of doing an evaluation of it or not.

Mr. GREEN. I think so. For a sample of persons, you could decide what things you would really like to have happen a month or a year down the road. A month is going to be easier than a year be-

cause it is hard to keep track of people, but again you have to agree. It is going to be almost as difficult to agree on what criteria you are going to require against which to validate the test as the criteria for the inclusion of questions on the test. It is the same general kind of a problem. It can be done. It is a research operation.

Senator KENNEDY. Yes.

Mr. FEUER. You would probably want to also include a sample of people who failed the test, but who are granted admission anyway, and follow their performance and then you would get a real comparison of the extent to which the test is really predicting something about these people. That is very hard to do.

Senator KENNEDY. Well, one of the bottom lines, not for everyone, but certainly one is whether they have moved on into being productive citizens and not being a burden in the communities. I mean, you know, you could probably get some criteria that are out there.

Let me just ask you quickly, on the civics portion of the naturalization process, it is supposed to measure the applicant's understanding and attachment to the U.S. Constitution. Do you have any impressions about whether the current tests do that. Do they do it well? Can you give us any kind of impressions?

Mr. GREEN. I have not seen any of the current tests.

Senator KENNEDY. OK.

Mr. FEUER. It is very impressionistic. When my wife took this test in 1983, I remember coaching her a little bit and feeling grateful that she was taking the test.

Senator KENNEDY. Also, do you have any impressions about the type of quality control the INS should exercise in formulating the tests or exams to ensure that we are getting good quality? I mean, do you have any guidance either for the Service or for the outside groups that are going to be doing these tests? Do you have any suggestions in terms of quality control, or do you want to think about it and get back to us?

Mr. GREEN. Offhand, I don't understand why INS isn't doing it itself, but I don't know any of the details. And to have two separate testing organizations sounds awkward as well in terms of equal treatment. There ought to be the same generic tests for everybody, I should think.

Senator KENNEDY. OK. I think we will get a chance to look at that, probably, in the final analysis. Also, the question about how you develop the test with the varied educational backgrounds; I think you have commented on that earlier. How has that best been done from your own kind of experience? You have differing educational levels. How does that take into consideration the different educational levels if the tests are standardized?

Mr. GREEN. Well, the main problem with the civics test is to make sure that the language is not too complicated because you don't want it to be also a test of English, and that is going to be an important consideration. But I would think that otherwise, you want to find experts who have done this sort of thing. It is not the educational background that is the problem. It is the linguistic backgrounds and to some extent the cultural background. Concepts

mean somewhat different things in other cultures and we have to be careful about that.

Senator KENNEDY. OK, thank you very much.

Senator SIMPSON. Ted, I was reminded of that story. Do you remember the guy out on the street, the man on the street program, and he came up to this guy and he put the mike in his face and he said, what person do you admire most living or dead? And he said the living one. [Laughter.]

I don't know where that goes. Well, I thank you very much for your testimony. It was very helpful to us.

Senator KENNEDY. Thank you very much.

Senator SIMPSON. The final panel is Rosemary Jenks, the director of policy analysis of the Center for Immigration Studies, and Kathi Flynn, immigration supervisor of the International Institute of Lowell, MA. We welcome both of you to the subcommittee.

Senator KENNEDY. Could I, Mr. Chairman, just add a word for Kathi Flynn?

Senator SIMPSON. Yes, indeed, please.

Senator KENNEDY. We have had a lot of experts here this morning and it has been, I have found, a very interesting and constructive hearing. Kathi Flynn is one of those persons who has seen just about every side of immigration policy. She has been out in the field and has dealt with these issues in local communities and in the State. She has been a resource in terms of national policy and has been working in an institute that has been very much involved in policy issues. So it has been a lifetime of work and we use her as a resource on some of these complex issues and I am delighted to see her today and welcome her. I want to thank Rosemary Jenks, as well, for being here, and a particular welcome for Kathi Flynn.

Thank you.

Senator SIMPSON. Thank you so much. Thanks, Ted.

If you will please proceed, then, in the order of the witness list, Rosemary Jenks, please.

PANEL CONSISTING OF ROSEMARY JENKS, DIRECTOR OF POLICY ANALYSIS, CENTER FOR IMMIGRATION STUDIES, WASHINGTON, DC; AND KATHI FLYNN, IMMIGRATION SUPERVISOR, INTERNATIONAL INSTITUTE OF LOWELL, LOWELL, MA

STATEMENT OF ROSEMARY JENKS

Ms. JENKS. Mr. Chairman, Senator Kennedy, I want to thank you for the opportunity to be here before you to discuss an issue that is central to our national identity, the bond that holds us united as one people—U.S. citizenship.

U.S. citizenship is the most valuable and the most cherished privilege our Nation can bestow upon an individual. It is a privilege that is sought by millions around the world. It carries with it the right to travel freely, to hold certain public offices, and to petition for the immigration of family members. Most importantly, however, it carries with it the right and the responsibility to take part in shaping and securing the future of this country by voting for elected officials at all levels of government.

At issue here today is not simply whether one political party or another is seeking an electoral advantage or whether the requirements for naturalization are being circumvented or flouted, but rather whether the meaning of U.S. citizenship is being compromised. Thanks to the work of the Subcommittee on National Security, International Affairs and Criminal Justice of the House Government Reform and Oversight Committee, and the integrity of a number of INS employees from across the Nation, the evidence is clear.

Unfortunately, it presents a disturbing picture of changes to the naturalization process, apparently driven by a White House motivated by election year concerns that have far-reaching implications and that will endure long after next month's balloting. These changes set a troubling precedent for future administrations, Democratic or Republican, and for future generations of Americans.

The documents show that an initial push by INS management to expedite the naturalization process was overtaken by an election-year drive by the White House to register as many new voters as possible before November. The combination of these forces has resulted in chaos and confusion in INS offices, a perception by INS adjudicators that their job is to rubber-stamp applications as far as possible, and a collapse of the integrity of the naturalization process. I will try to briefly summarize the progression of the events that led to the current situation.

During INS Commissioner Doris Meissner's confirmation hearing in the fall of 1993, Ms. Meissner correctly described naturalization as a process that is beneficial to immigrants, to America, and to the INS. She indicated her intention to place a high priority on naturalization. I think we would all agree that an efficient and timely naturalization process is a laudable goal, provided it is done in a thoughtful and responsible way. I do not doubt that that is exactly what Commissioner Meissner had in mind. Somewhere along the way, however, it appears that the plan was commandeered by people whose only goals are speed and high numbers.

The INS expected applications for naturalization to surge in fiscal year 1995 as a result of a combination of factors, and so in April 1995 Commissioner Meissner contracted a management consulting firm, PRC, to work with INS staff to overhaul the naturalization process. The final report, "Results in 30 Days: Reeingineering the Naturalization Process," issued in May 1995, suggests a, "radical redesign," of naturalization. It recommends that INS develop strong partnerships with service providers, community-based organizations and voluntary agencies which would involve "total sharing of information, joint decisionmaking, and aggressive coloration aimed at best meeting the needs of the applicant,".

It suggests the introduction of high-tech, fully automated and integrated systems to facilitate data entry and criminal background checks, in addition to automatically triggering "pre-qualified invitations to immigrants as they become legally eligible for citizenship." It calls for a review of, "longstanding interpretations of eligibility laws and regulations" in order to meet the demands of today's eligible customers. PRC's conclusion is that processing time from submission to approval can be reduced to same-day service for 80 percent of naturalization applicants.

In June 1995, Commissioner Meissner asked that the naturalization program be designated as a reinvention lab under the auspices of Vice President Gore's National Performance Review. Ms. Meissner wanted to establish the INS offices with the largest naturalization backlogs as reinvention labs so that some of the PRC recommendations could be tested and the backlogs eliminated.

On August 31, 1995, the INS announced the Citizenship USA, or CUSA, Program. Los Angeles, San Francisco, New York, Miami and Chicago were designated as CUSA cities. Over the next few months, new naturalization procedures were established in, and resources, including personnel and equipment, were diverted from other programs and other INS offices to the 5 CUSA cities. Two reprogramming requests were approved by Congress to provide additional funding.

During this period, the White House was becoming increasingly interested in the naturalization process. The possibility of sending personalized letters to new citizens from the President was discussed and abandoned, and memos were prepared at the request of high-level White House political aides on voter registration efforts in conjunction with the naturalization program.

In February 1996, an aide to Vice President Gore offered INS the assistance of her office. That offer was accepted and at the request of the President, aides to Vice President Gore Elaine Kamarck and Doug Farbrother evidently became the liaisons between the INS and the White House on naturalization. Mr. Farbrother ordered INS offices to extend the hours during which they interviewed naturalization applicants to include evenings and weekends, thus forcing some offices to mandate overtime work by employees. He toured all the CUSA sites with David Rosenberg, the consultant who INS put in charge of CUSA, in order to determine if CUSA was "moving fast enough.

Because he felt INS' hiring process was too slow, he pressured Commissioner Meissner and Deputy Commissioner Chris Sale to delegate full hiring authority to CUSA district directors to establish a "special security process" that would allow new hires to begin working while their background checks were being done and to authorize a 20-percent increase in CUSA funding to be used at the discretion of the district directors.

There is clear evidence that INS resisted some of these moves. Mr. Farbrother repeatedly tells Ms. Kamarck that there is too much interference from INS headquarters. In one E-mail, he complains about the interference and wonders, "am I going to have to keep dragging the ball and chain toward the finish line." In fact, the resistance from INS headquarters led Mr. Farbrother to recommend that he personally replace INS Deputy Commissioner Sale so that he would be in a position to "do more faster."

But in the end, Mr. Farbrother got what he wanted from INS. Even those things that were refused by INS headquarters, such as the hiring of temp workers and the illegal use of volunteers, while not officially sanctioned by INS, were done in the CUSA offices. In a March 28 E-mail to Vice President Gore, Mr. Farbrother confirmed what many in Congress were beginning to suspect, namely that the White House was being driven by the desire to naturalize

as many immigrants as possible before the election in order to give President Clinton an electoral advantage.

The E-mail stated that Mr. Farbrother was still not confident that INS was moving fast enough to, "produce 1 million new citizens before election day." He concluded that "Unless we blast INS headquarters loose from their grip on the front-line managers, we are going to have way too many people still waiting for citizenship in November. I can't make Doris Meissner delegate broad authority to her field managers. Can you."

As a result of all this—and I am concluding right now; sorry—the current naturalization process is far different from the one envisioned in our law. While the initial goals of Commissioner Meissner's INS may have been laudable, it is clear now that expediency won out over integrity. Preexisting problems were compounded and the result was the granting of our Nation's most prized benefit, citizenship, to criminals. The naturalization system has been compromised not only in the eyes of INS employees who now refer to it either as the Jiffy Lube program or Nats-R-Us, but also in the eyes of Americans, native-born and naturalized.

Thank you.

Senator SIMPSON. Thank you very much.

[The prepared statement of Ms. Jenks follows:]

PREPARED STATEMENT OF ROSEMARY JENKS

Mr. Chairman and Members of the Subcommittee, I am Rosemary Jenks, Director of Policy Analysis at the Center for Immigration Studies, a non-profit, non-advocacy research institution. Thank you for the opportunity to appear before you to discuss an issue that is central to our national identity, the bond that holds us united as one people: United States citizenship. United States citizenship is the most valuable and the most cherished privilege our nation can bestow upon an individual. It is a privilege that is sought by millions around the world. It carries with it the right to travel freely, to hold certain public offices and to petition for the immigration of family members. Most importantly, however, it carries with it the right, and the responsibility, to take part in shaping and securing the future of this country by voting for elected officials at all levels of government.

We have all seen media reports on the politicization of the naturalization process, the "dumbing-down" of the requirements for naturalization, cheating by naturalization applicants at outside testing entities, and criminals and other ineligible aliens being granted U.S. citizenship. At issue here today is not simply whether one political party or another is seeking an electoral advantage or whether the requirements for naturalization are being circumvented or flouted, but rather whether the meaning of United States citizenship is being compromised. If the media reports are accurate, then our conclusion must be yes.

In order to determine the accuracy of the reports, we must examine the evidence. Thanks to the work of the Subcommittee on National Security, International Affairs and Criminal Justice of the House Government Reform and Oversight Committee and the integrity of a number of INS employees from across the nation, this evidence is available. Unfortunately, it presents a disturbing picture of changes to the naturalization process, apparently motivated by election-year concerns, that have far-reaching implications that will endure long after next month's balloting. These changes set a troubling precedent for future administrations—Democratic or Republican—and for future generations of Americans.

Attached to this statement is a "Naturalization Chronology," which I have pieced together after reviewing thousands of pages of documents, including e-mail exchanges, from the Immigration and Naturalization Service (INS), the White House, and the Office of the Vice President, and speaking with numerous INS employees around the country. I use the chronology as a general guideline to examine the current naturalization process and how it developed.

The requirements for naturalization are set out in the Immigration and Nationality Act. Among other things, applicants are required to submit an application form, the N–400, a copy of their alien registration card, the "green card," fingerprints, photographs and a fee of $95 to the INS. In general, they must prove that they are

at least 18 years of age; that they have resided in the United States as lawful permanent residents for a minimum of five years (unless they marry a U.S. citizen, in which case it is three years); that they are able to read, write, speak and understand English; that they have at least a minimal knowledge of U.S. history and government; that they are of good moral character; and that they do not have a serious criminal record. Upon receiving the N–400 and the accompanying paper work, INS enters the information into an INS database and forwards the fingerprints to the FBI for a criminal record check. INS is then required to wait for 60 days for a reply from the FBI. If the FBI finds a criminal record, or a "hit," the fingerprints are sent back to the INS office along with a copy of the criminal record. If no criminal record is found, the INS does not get a response from the FBI and can proceed with the adjudication process after 60 days. INS examiners (or District Adjudications Officers, DAOs) then schedule an interview with the applicant, during which the applicant is tested on English, history and government knowledge and asked questions to determine good moral character. If all the requirements are met, the application is approved and the applicant is scheduled for a swearing in ceremony. Otherwise, the application is either denied or continued, depending on the nature of the problem.

TESTING FRAUD

In 1991, the government established criteria under which outside (i.e., non-government) testing entities (OTEs), including for-profit business, could be authorized to administer standardized tests to determine a naturalization applicant's ability to read and write in English, along with his or her knowledge of history and civics (see attachment 2). The tests are comprised mainly of multiple choice questions, but applicants also have to write two simple sentences that are dictated to them. To date, the INS has authorized six OTEs to administer these tests: Educational Testing Service (ETS), Comprehensive Adult Student Assessment System (CASAS), Southeast College, Naturalization Assistance Services (NAS), Marich Associates and American College Testing (ACT). These OTEs in turn may license community based organizations (CBOs) and other affiliates to administer the tests on their behalf, in compliance with the requirements set out in the *Federal Register* notice. However, neither INS, nor the individuals OTEs have an effective monitoring process to ensure that requirements relating to the security of the tests or the integrity of the testing are met.

The first indications of trouble with the system came in 1992, when INS examiners began to encounter naturalization applicants who presented test certificates (indicating that they had passed the standardized tests) at their interviews, but were unable to communicate in or understand English. ETS complained to INS Headquarters that some examiners were refusing to accept ETS test certificates as evidence that applicants had passed the written/read English and history/civics test. Headquarters sent a memo to the field offices forbidding examiners from retesting applicants and directing them, instead, to question applicants (through an interpreter) on how they were able to pass the test.

In July 1994, NAS presented a proposal to INS to be authorized as an OTE (see attachment 3). NAS lists how it meets each of the criteria in the *Federal Register* notice, except that it details its experience in "Driver Improvement School" for the first criterion, which requires a testing entity to "demonstrate experience in developing and administering reliable standard examination *in the English language and civics areas*" [emphasis added]. NAS clearly does not have such experience, and so should have been found ineligible. Nonetheless, NAS quickly established itself as the leader of OTEs, setting up hundreds of testing sites across the nation. Half of all naturalization applicants tested by OTEs use one of the 500 or so NAS affiliates.

The point of contact at INS Headquarters for "information on the citizenship testing programs, including test site additions and deletions," in July 1994 was W.R. "Skip" Tollifson, a Senior Immigration Examiner. Mr. Tollifson retired from the INS on March 29, 1996 and began working for NAS on April 1, 1996. He testified, under oath, during a September 10, 1996 hearing of the House National Security, International Affairs and Criminal Justice Subcommittee that he "did not, per se, approve this [NAS] application." and that he did not consider taking a job at NAS to be an ethics violation. An Ethics Officer in the INS General Counsel Office, on the other hand, wrote in an email exchange:

> Employees have suggested to me that Tollifson approved NAS, a naturalization testing entity even though they did not meet the Service's criteria, failed to properly monitor NAS; he was overheard negotiating for employment and has now violated the post employment restriction laws * * * (see Attachment 4).

Reports of testing fraud at affiliates of the OTEs began to increase dramatically in late 1994. INS examiners came across increasing numbers of naturalization applicants who, despite having an OTE test certificate, were unable to communicate in or understand English. Some affiliates were charging as much as $850 to prepare and test immigrants. Examples of documented fraud during the administration of the tests include test proctors pointing to the correct answers on the answer sheet, tests being given in the applicants' native language instead of English, and the sentences being written on a blackboard so applicants simply have to copy them. Some affiliates guaranteed that, as long as applicants could sign their names in English, they would pass the test. Affiliates were using print media—often ethnic newspapers—radio and television ads to advertise their services. Some ads included false promises and/or blatant lies, but there were no regulations governing the content of the ads. In October 1995, INS Headquarters instructed field offices that the "inability [of an applicant with an OTE certificate] to speak English may not be the sole reason" for determining that there was fraud in the testing.

Testing fraud was uncovered in Arizona, California, Colorado, Florida, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, New York, Ohio, Pennsylvania, Texas and Virginia. In Tucson, AZ, an examiner emailed his supervisor asking how to handle an applicant who failed his interview because of lack of knowledge of history and government, and then returned two days later with a test certificate from ETS. The supervisor responded, "Punt, what else. If his English was alright, we have one more U.S. citizen" (see attachment 5).

The three most-publicized cases were in Minneapolis-St. Paul, Honolulu and Dallas. In November 1995, an investigative reporter from a St. Paul television station took a hidden video camera into an NAS-affiliated testing site and recorded test proctors drilling applicants on the test questions and answers prior to the test, applicants sharing answers, and the test proctors giving applicants the correct answers during the test.

INS suspended NAS on November 22, after seeing the broadcast of this tape, and gave NAS ten days to respond to the allegations of fraud or request a hearing before Assistant Commissioner for Adjudications, Louis Crocetti. On December 5, NAS' lawyers demanded that NAS be reinstated until a hearing could be held or they would file a lawsuit in Federal Court. On December 13, INS and NAS signed a stipulated settlement agreement under which NAS was reinstated with certain conditions, including the permanent suspension of the St. Paul affiliate. NAS further agreed to comply with new criteria for quality control, as long as all OTEs would have to do the same. INS agreed to apologize in writing for any trouble caused by the suspension to NAS and all NAS affiliates in good standing (see attachment 6). INS Headquarters also convened a working group to develop official guidelines for INS investigations of testing fraud, as there appeared to be none in existence.

On January 22, 1996, following an investigation by the IHS Honolulu District Office, INS directed NAS to suspend an affiliate in Honolulu. The INS investigation led to the arrest and criminal prosecution of four employees of the affiliate. No action was taken against NAS following that incident, but in February, INS Headquarters officials discussed the possibility of designating a contact person to track all testing entity violations, in case INS needed a record of them for litigation. Also in February, INS documents indicate that the INS Office of Internal Audit was cooperating with the Department of Justice's Office of Inspector General (OIG) on an OIG investigation of testing fraud.

In early 1996, a former NAS employee, Jewell Elghazali, contacted the investigative reporter who had uncovered the fraud in St. Paul and told him of additional testing fraud. The reporter put her in touch with "20/20", which then began an undercover investigation of an NAS affiliate in Dallas, TX. "20/20" took a hidden video camera into the testing site and taped test proctors giving the applicants the questions and answers to the test prior to its administration, pointing to correct answers on the answer sheets during the test, and speaking to the applicants in Spanish, among other things. Ms. Elghazali told "20/20" that, while she was grading tests for NAS, she came across entire batches of tests in the same handwriting and with the same incorrect answers on every test.

In April 1996, INS Headquarters sent instructions to the field offices on procedures to follow to report and initiate investigations of complaints of testing fraud. In May 1996, after it was notified of the "20/20" investigation, INS Headquarters sent a memo to field offices with guidelines on conducting unannounced on-site inspections of testing sites. The guidelines require each District Office to visit one site per quarter.

On June 10, 1996, "20/20" interviewed INS Executive Associate Commissioner T. Alexander Aleinikoff regarding the tape from Dallas (see attachment 7). Mr. Aleinikoff was unable to explain why NAS had been authorized as an OTE, in light

of its experience in driver's education. However, he assured "20/20" that simply passing the standardized test does not mean an applicant will be naturalized because he or she still has to demonstrate the ability to communicate in and understand English at the INS interview. When asked whether it might be conflict of interest that Mr. Tollifson works for NAS, Mr. Aleinikoff stated numerous times that there was an "on-going investigation" into Mr. Tollifson's activities. However, attachment 4, dated three days after the interview, notes that Mr. Aleinikoff wanted INS to "commence an investigation."

On June 28, 1996, INS issued NAS a "Notice of Intent to Suspend." On July 12, INS Headquarters sent a memo to the field offices directing them to continue to accept NAS testing certificates. To my knowledge, no further action has been taken against NAS to date.

The number of licensed affiliates of the six authorized OTEs grew from 309 in May 1993 to over 1,000 by mid-1996. Reported incidents of testing fraud also increased dramatically. As of July 10, 1996, INS reported that about 25 percent (250,000–300,000) of all naturalization applicants used the OTEs. Their overall pass rate is 85 percent, although the pass rate for NAS is 93 percent.

"RE-ENGINEERING" NATURALIZATION

Doris Meissner was sworn in as Commissioner of the INS in October 1993. During her confirmation hearing, Mrs. Meissner correctly described naturalization as a process that is beneficial to immigrants, to America and to the INS. She indicated her "intention to be much more active on the part of the Service where naturalization is concerned." I think we would all agree that an efficient and timely naturalization process is a laudable goal, provided it is done in a thoughtful and responsible way. I do not doubt that that is exactly what Commissioner Meissner had in mind. Somewhere along the way, however, it appears that the plan was commandeered by people whose only goals are speed and high numbers.

As noted in the attached chronology, about 270,000 N–400 applications were pending (not including any that had been received, but not been entered into the computer) when Commissioner Meissner took office. According to testimony before the House National Security, International Affairs and Criminal Justice Subcommittee, a 1994 General Accounting Office study found that about 80 percent of N–400s were processed within four months during that year, although the wait was seven to ten months in certain cities. The number of N–400 applications received in fiscal year 1994 surpassed fiscal year 1993 receipts by only 21,487. In fiscal year 1995, however, INS expected a much larger increase because of a combination of factors, including the 2.7 million beneficiaries of the 1986 Immigration Reform and Control Act (IRCA) amnesty becoming eligible based on the five-years residence requirement, the passage of Proposition 187 in California in November 1994, and legislative proposals to bar non-citizens from certain means-tested welfare benefits.

Thus, an INS working group conducted a survey in June 1994 of ways to streamline the naturalization process. One of the proposals they came up with was to waive the personal interview for a number of categories of applicants (see attachment 8).

Naturalization was identified as a "major reinvention effort" in April 1995, according to Associate Commissioner for Examinations, Louis Crocetti. That same month, Commissioner Meissner contracted a management consulting firm, PRC, to work with INS staff to overhaul the naturalization process. PRC and the INS staff conducted a four-week review of the process and produced a "radical redesign" of naturalization. The final report, issued in May 1995, is called *Results in 30 Days: Re-Engineering the Naturalization Process* (see attachment 9). Among other things, it recommends that INS develop strong partnerships with "Service Providers"—community-based organizations (CBOs) and voluntary agencies (VOLAGS)—which would involve "total sharing of information, joint decision making, and aggressive coloration aimed at best meeting the needs of the applicant." It recommends the introduction of high tech, fully automated and integrated systems to facilitate data entry and criminal background checks, in addition to automatically triggering "prequalified 'invitations' to immigrants as they become legally eligible for citizenship." It adds that "long-standing interpretations of eligibility laws and regulations will be reviewed to * * * [focus] upon meeting the demands of today's eligible customers." Finally, it concludes that processing time from submission "to approval will be reduced to 'same day service' for 80 percent of the applicants."

In June 1995, Congress approved a reprogramming request from INS to provide additional funding for the naturalization initiative. On June 26, Commissioner Meissner submitted a request that the naturalization program be designated as a "Reinvention Lab" under the auspices of Vice President Gore's National Perform-

ance Review (NPR—see attachment 10). Her request letter and subsequent INS documentation make clear that the PRC report provided the basis for the "re-engineering" of the naturalization process that has occurred over the past year.

In the meantime, N–400 applications were on the rise and examiners were being overwhelmed. District Offices lacked the equipment they needed to process N–400s efficiently. Many offices did not have access to the Naturalization Automated Case System (NACS) database, and those that did were experiencing problems with it. Many offices were (and, reportedly, are) still using electronic typewriters to process applications.

On August 1–2, 1995, INS convened a "Key Cities Meeting" with representatives from the Chicago, Houston, Los Angeles, Miami, Newark, New York, San Diego and San Francisco INS offices, where 80 percent of the INS' workload is concentrated. Commissioner Meissner introduced these employees to the PRC re-engineering report, explaining that because some "radical" changes would be included, a communications plan was being prepared to clarify the program.

During a senior-level naturalization staff meeting on August 2, it was decided that the staff needed to follow up on the status of the Reinvention Lab designation to pursue "facilities, contracting and procurement issues that warrant immediate exemption to creating policies, regulations, etc," (see attachment 11). It was also determined that a memo designating David Rosenberg as the Naturalization Re-Engineering Project Coordinator needed to be drafted, and Mr. Rosenberg's contract extended.

Commissioner Meissner unveiled the "Citizenship USA" (CUSA) initiative on August 31, 1995. The stated objective of CUSA, at least initially, was "to become current" on N–400 applications, meaning that applications would be processed from start to citizenship within six months by the end of fiscal year 1996. INS designated five "CUSA cities," including Los Angeles, San Francisco, New York, Miami and Chicago, which had the largest numbers of pending cases when the program started. Resources, including personnel, equipment and building space, were to be funneled into these five cities, which would serve as the "Reinvention Labs."

The naturalization initiative was approved as an NPR Reinvention Lab on September 5, 1995. On September 11, Commissioner Meissner forwarded to all field offices the executive summary of the PRC report with a memo explaining its origin and asking for comments (see attachment 12). She wrote that "wherever possible, we will use validated re-engineering techniques as outlined in the PRC report to attack the caseload." She added that the report offers "a basic road map for change."

On September 21, 1995, a manager with UNICOR, a Federal prison in Lexington, KY, called the INS in Miami to offer the assistance of UNICOR inmates in preparing naturalization certificates. The INS employee who took the call emailed Headquarters and his supervisors in Miami to inform them of the offer. He noted that there were two potential problem areas: 1) the certificates are prepared from NACS, and "some people might not be comfortable with a direct data link to a federal prison;" and 2) "would be the public relations aspect of having prisoners producing naturalization certificates," especially since some of UNICOR's "employees" are illegal aliens. Nonetheless, the employee saw "nothing impossible about this situation," and suggested that the INS consider it (see attachment 13).

Beginning in mid-October, INS Regional and District Directors were notified that they would be required to detail personnel—including Adjudications Officers, Inspectors, Investigators, Boarder Patrol Agents, Special Agents, Asylum Officers and clerical workers—to the CUSA offices. As might be expected, the effect on the offices losing the workers was devastating. Offices were unable to perform crucial duties such as employer sanctions enforcement, investigations targeting criminal aliens, adjudications and airport inspections. The funneling of resources into CUSA sites also raised funding questions (see attachment 14).

An INS working group was convened in October 1995 to identify and solve the on-going problems with NACS, but problems persisted well into 1996 (there is no indication that they have been solved to date). FBI fingerprint and name checks also presented problems. Fingerprint "hits" (indicating a criminal record) from the FBI often were not placed in the application file until after the application was approved for naturalization. On November 16, 1995, INS staff discovered that "for the last 8–10 years [FBI responses on records checks] have been immediately burned," meaning that INS was "destroying the hits on 1/2 of our name checks (at a cost of probably $1,000,000 per year) and naturalizing an assortment of scum" (see attachment 15).

In January 1996, INS implemented a "Direct Mail" initiative in all the CUSA cities except San Francisco. Under this system, N–400s are mailed directly to one of the four INS Service Centers (Vermont Service Center (VSC), Nebraska Service Center (NSC), Texas Service Center (TSC) and California Service Center (CSC) in-

stead of being submitted to District Offices. The Service Centers are supposed to enter the application data into NACS and pull the fingerprint cards and submit them daily to the FBI. When the fingerprint cards have been submitted, Service Center staff are to enter an "X" in the appropriate place in the NACS record, which should automatically start the clock for the 60-day waiting period. When 60 days have passed, the record should automatically come up on the District Office computer as being ready for an interview to be scheduled. If the FBI has made a hit, the fingerprints and criminal record are sent to the Service Center, which is supposed to report daily to the District Office on any hits so that interviews will not be scheduled until the hard copy of the criminal record has been forwarded to the District Office.

The implementation of the Direct Mail initiative resulted in almost immediate chaos. Neither Service Center staff nor District Offices fully understood the new procedures. The Service Centers were not filling in the "X" so the 60-day clock was not being started. Because the system is automated, the computers in the District Offices will not bring up the records for interview scheduling until the 60-day clock is initiated and terminates. Thus, the problem was noticed when District Office computers showed no applicants who were ready to be interviewed, even though an estimated 84,000 were in the system. INS' answer to the problem was to run a system-wide sweep to bypass the 60-day waiting period on all N–400 applications entered into the system by the Service Centers on or after February 2, 1996. The sweep was "deemed to be within acceptable process integrity standards" and was "designated a priority by Programs and Field Operations as the four subject sites are nearing a crisis situation regarding eligible cases to be scheduled for interview" (see attachment 16).

Thus, by February 1996, the INS was in a state of utter chaos because of a program that began officially only about four months before. INS offices around the country were being overwhelmed by the increase in N–400 applications—the largest group of aliens amnestied in 1986 had met the five-year residence requirement by December 1995. CUSA offices, in addition to being inundated with backlogged and new cases, were attempting to adopt the new "re-engineered" and streamlined adjudication process, thus compounding the confusion. Non-CUSA offices had been forced to detail some portion of their resources, mainly personnel, to the CUSA offices, so they, too, were falling behind. As noted in the attached chronology, the number of N–400 applications pending on October 1, 1995 surpassed 800,000, and new applications were being received in record numbers.

PRESSURE FROM THE WHITE HOUSE

Until early 1996, the push to "re-engineer" the naturalization process and speed up the adjudication of cases appeared to be coming from within INS management. Beginning in March 1996, however, there is no question that the overriding impetus began coming directly from the White House. In fact, the documents show that INS Headquarters actually tried to slow the naturalization juggernaut—at least partly for political appearances—but was overruled by higher powers.

The first indication of White House interest in the naturalization initiative was in September 1994, when Daniel Solis, then President and Executive Director of the United Neighborhood Organization of Chicago (UNO), met President Clinton at a Democratic fundraiser in Chicago. Mr. Solis explained to the President that the growing number of immigrants eligible for naturalization represented a "great opportunity" to get a million new voters, but "we have to get all these citizens naturalized." The President told Mr. Solis to contact senior White House political aides Harold Ickes and Rahm Emanuel. On October 27, 1994, Mr. Solis sent President Clinton a letter detailing what needed to be done to speed up naturalization. The letter was a followup to a dinner meeting between the President, Mr. Solis and others (see attachment 17).

In July 1995, Lee Ann Inadomi, Office of Cabinet Affairs, responded to a request by INS Executive Associate Commissioner Robert Bach for information on the possibility of President Clinton writing personalized letters to newly naturalized citizens. Ms. Inadomi pointed out that there were practical (e.g., investment of resources, 30 percent of N–400 applicants are not on NACS), legal (e.g., it could violate the Privacy Act) and political (i.e., it could be sent as campaign politics) problems. Less than a week later, the White House requested information from INS on how such personalized letters might be provided (see attachment 18).

Apparently that idea was abandoned because, as of August 1995, INS District Directors were being reminded to provide the standard presidential congratulatory letter. The memo to the field notes that the White House "has established [provision of the letter] as a priority." Emails from late September 1995 indicate that INS of-

fices were running short on the letters and there was some degree of panic among INS staff who noted that "the White House is rather insistent" that the letter be provided (see attachment 19).

On September 28, 1995, Mr. Solis sent a letter to First Lady Hillary Clinton to follow up on a recent conversation on the political potential for naturalization streamlining. He noted that INS officials approached UNO with the opportunity to participate in a backlog reduction pilot program that also "may provide the Democrats with a strategic advantage at next year's Convention." His purpose was to establish "support for the proposed pilot program in order to overcome the politics of its implementation" (see attachment 20).

Also in September 1995, a memo was prepared for White House aide Harold Ickes to update him on the naturalization initiative and assure him that CUSA will include voter registration efforts. The memo concludes that while "the INS effort at voter registration," along with the efforts of others, is resulting in registration of new citizens, "pace of naturalization will limit the number of new voters." A follow up memo was sent to Mr. Ickes in March 1996 with a more positive outlook on the CUSA voter registration drive (see attachment 21).

In January 1996, Congress approved a second INS reprogramming request for the naturalization program, bring the total reprogramming funds to about $80 million. The following month, Mr. Rosenberg notified the White House that "INS is hiring more than 850 additional staff to process applications," although in fact, his intention was to hire more than 900 temporary workers (attachment 22). He requested assistance from the Vice President's Office in acquiring personnel, ceremony space and funding for CUSA (see attachment 23).

Doug Farbrother from Vice President Gore's NPR office responded zealously to Mr. Rosenberg's request. Mr. Farbrother immediately began looking into extending INS office hours so that they could conduct naturalization interviews on evenings and weekends. He noted INS' concern that the General Services Administration (GSA) might object to providing guards and utilities for extended hours, but indicated his attention to go forward. Ten days later, INS CUSA Offices were notified that they would be extending their hours on evenings and weekends (see attachment 24).

Mr. Farbrother also decided that the INS hiring process was too slow. He saw no need for INS to wait for complete background checks on new hires before bringing them on board. He felt that INS could fingerprint new hires and put them to work while the background checks were being done. The Department of Justice had denied an earlier request from the INS Headquarters Security office to do "lesser scope" background investigations for CUSA temporary workers, but ten days after Mr. Farbrother considered the issue, INS Deputy Commissioner Chris Sale instructed CUSA offices to "do limited clearances * * * (fingerprint check, and drug testing, only). The remaining process will be done while on-duty." The result was that some of the CUSA workers who were hired, and already on-duty, were found to have security problems, but could not be terminated until the full 120-day background investigation had been completed. Moreover, INS Security ran out of funding to do background checks on employees who had already been hired and were working (see attachment 25).

In early March 1995, INS Headquarters staff forwarded via email a message from Commissioner Meissner regarding a promise she had made to White House aide Rahm Emanuel to provide an update and subsequent newsletters on CUSA progress to Attorney General Reno, Chief of Staff Panetta, Vice President Gore, HUD Secretary Cisneros and other key White House aides (see attachment 26).

Following a meeting with Commissioner Meissner in mid-March, Mr. Farbrother faxed a memo to Deputy Commissioner Sale explaining that he needed either Ms. Sale or Commissioner Meissner to delegate more authority to the District Directors in the CUSA cities in order to "get the results the Vice President wants." Mr. Farbrother included a draft memo (later edited), for Commissioner Meissner's signature, delegating to the District Directors her "authority to waive INS rules and regulations." INS Counsel clearly questioned the legality of such a delegation of authority (see attachment 27).

In the meantime, Mr. Farbrother was accompanying Mr. Rosenberg on a tour of all the CUSA cities to examine the effectiveness of the initiative and determine what additional resources they might need. The purpose of the trip "was to answer the question: Is CUSA moving fast enough, given the delays caused by budget and furloughs?" Mr. Farbrother and Ms. Elaine Karmarck, Office of the Vice President, were becoming increasingly annoyed with delays in INS Headquarters. They wanted Deputy Commissioner Sale to sign the delegation of authority letter so they could speed up the hiring process in the CUSA cities. On March 21, 1995, Ms. Kamarck notified Mr. Farbrother via email that "the President is sick of this and wants ac-

tion. If nothing moves today we'll have to take some pretty drastic measures." Mr. Farbrother responded that he was meeting with Deputy Attorney General Jamie Gorelick and Deputy Commissioner Sale in two days. He stated that if they didn't cooperate with him, he would "call for heavy artillery."

Mr. Farbrother briefed Vice President Gore in emial following that meeting and reported that Deputy Attorney General Gorelick had told Ms. Kamarck that INS would "deliver by Tuesday." In fact, she delivered on Monday. Deputy Commissioner Sale signed a memo to CUSA District Directors announcing a 20 percent funding increase, delegation of full authority over funding and hiring, and expedited drug testing procedures and a "special security process" for new hires. Following this decision, INS Headquarters increased the CUSA "production goals" by almost 40 percent. Again, Mr. Farbrother briefed Vice President Gore via email on the delegation of hiring and funding authority. He noted, however, that the CUSA Directors still do not "have enough freedom to do the job" (see attachment 28).

The following day, Mr. Farbrother emailed Vice President Gore about a bet he had made with Ms. Kamarck that "INS headquarters would not give their managers in" the CUSA cities "enough authority, in general, to make me confident they could produce a million new citizens *before election day*" [emphasis added]. He concluded that "unless we blast INS headquarters loose from their grip on the frontline managers, we are going to have way too many people still waiting for citizenship in November. I can't make Doris Meissner delegate broad authority to her field managers. Can you?" (see attachment 29).

A couple of days later, Mr. Farbrother emailed Ms. Kamarck with his ideas on 1) blunting "any charge that we are running a citizenship/Clinton voter mill," and 2) how to avoid the appearance that he is "working against Doris [Meissner"] (he suggests that he take over Deputy Commissioner Sale's job and that Ms. Sale could work at NPR–see attachment 30).

During the same period, Mr. Farbrother began asking other Federal agencies to find personnel—particularly those who had been RIFed or furloughed—and resources that could be diverted to CUSA. On April 1, he reported to Ms. Kamarck that he had made some progress in getting help from other agencies in Los Angeles and San Francisco, but he complained that "they are still getting way too much interference from headquarters. Am I going to have to keep dragging that ball and chain toward the finish line?" (see attachment 31).

In early April, Mr. Farbrother drafted a memo for President Clinton on "Improving Service for Citizenship Applicants." The first draft again suggested that an NPR employee replace Deputy Commissioner Sale so that "our reinventor would have more direct influence and the INS staff would be less likely to go public with complaints than they would over the interference of an outsider." The second draft, sent via emial to Ms. Kamarck on April 10, included a section called "Lower the standards for citizenship," which discussed, among other things, the re-education of the older adjudicators "to be more liberal." These two drafts were produced by Vice President Gore's office, indicating that they may not have made their way to the President. The third draft, however, was produced by the White House. Handwritten on the top of the first page is: "Monday am brief of Cisneros/VP/Pres." (see attachment 32).

Ms. Kamarck prepared a memo to the Vice President on April 4 to brief him on INS progress prior to a lunch with the President. The memo begins, "As you know, following on the assignment from the President to look into the citizenship backlog, I sent Doug Farbrother on the road to each of the offices where the backlog was most severe." There appears to be no question, in light of this memo, that it was the President who provided the impetus for Mr. Farbrother's frenetic involvement in the naturalization program beginning in early 1996, even though he reports to the Vice President (see attachment 33).

An April 24, 1996 letter from the Southern California I.A.F. (Industrial Areas Foundation) Network shows that Ms. Kamarck was also instrumental in "re-engineering" the naturalization process, at least in Los Angeles. The letter states that "nationally some 800,000 [immigrants] will become citizens in time for the election" (see attachment 34).

"RE-ENGINEERING" OR "NATS-R-US"?

On May 1, 1996, INS Associate Commissioner for Examinations Louis Crocetti announced in a memo to all field offices that the "new ideas and innovative procedures" that were tested at CUSA sites with "remarkable results," were to be expanded Servicewide to all offices. The memo stated that "most of the action items can be implemented immediately. Others that have long-term effects may take longer to implement." Attached to the memo was an explanation of "Naturalization

Process Streamlining Initiatives." According to the implementation dates on the Summary Chart, all the new initiatives should be effect now (Oct. 1996—see attachment 35).

There is much of interest in this report, particularly in light of the fact that the American people, to say nothing of our elected representatives, were totally unaware that the naturalization process and requirements were being radically revised. Of special interest to this discussion, however, is the fact that page two of the "Application" section says that "the revised Form N–400 will * * * include data collection for voter registration."

As the nationwide expansion of these "Streamlining Initiatives" is predicated on the "remarkable results" of the pilots in the CUSA cities, a brief look at those result is warranted.

PERSONNEL

Temporary workers comprised most of the additional personnel for CUSA. Some 900 temporary adjudicators and clerical workers were hired by INS to accomplish the goal of naturalizing over a million people in fiscal year 1996. As of June 1996, the Inspector General was investigating the training standards for these temporary workers, along with those workers who were detailed from other agencies or offices.

Volunteer workers were also utilized by many district offices. These volunteers included members of CBOs, family members of INS employees, and, in at least one case, legal permanent residents. These volunteers performed clerical duties, including filing, mailed naturalization certificates, and collected Alien Registration Cards and distributed naturalization certificates at citizenship ceremonies, among other things. Attorney General Reno directed her staff to find out "what INS is doing to use volunteers" in the naturalization program. President Clinton and/or Vice President Gore asked HUD Secretary Cisneros "whether qualified volunteers could be generated to assist the INS in naturalization activities." Secretary Cisneros answered affirmatively by providing a proposal from the Southern California Industrial Areas Foundation Network's Active Citizenship Campaign. Apparently none of these people was aware that it is a violation of Federal law for a government agency to use volunteers to perform duties that are normally performed by agency personnel, as it constitutes an unauthorized augmentation of the agency appropriation. This was pointed out in a memo from INS Headquarters Counsel to Regional Director (see attachment 36). However, as of this weekend, INS employees with whom I spoke say that volunteers continue to be used.

FBI FINGERPRINT CHECKS

A February 1994 report from the Inspector General found that 5.4 percent of aliens submitting applications for benefits had an arrest record. The top reasons for arrest were immigration violations/deportation proceedings (32 percent), assault/battery/rape (19 percent), theft/robbery/burglary (18 percent) and drug possession/distribution (10 percent). Rather than investing some of the CUSA funding in electronic fingerprint scanners, which can provide a hit almost instantly, the "streamlined" naturalization process requires fingerprint cards to be mailed to the FBI on a daily basis. On March 29, 1996, however, the FBI did a sampling of receipts from 20 INS offices. Over 60 percent of the fingerprint cards received from Los Angeles had been at the Los Angeles office for more than 30 days before they were submitted. For the New York City office, 90 percent had been at the office for more than 30 days. As an INS employee wrote in an email on the subject: "It would seem the problem is not the FBI, and they know it."

In June 1996, the Vermont Service Center (VSC) sent a shipment of fingerprint cards that should have gone to the FBI to the New York City office, instead. Although District Offices are supposed to be notified daily of FBI hits, several boxes of positive hits sat around at the VSC for some time before being mailed to New York City.

As of June 20, 1996, NACS had ongoing problems relating to the fingerprint checks and another sweep of the system to start the 60-day clock was being ordered. Despite the variety of problems with fingerprint checks, a Headquarters meeting report noted that Adjudicators were only waiting 45 days (instead of 60) for FBI hits (see attachment 37).

E-mail from July 17, 1996 notes that some fingerprint cards are being routed for filing before even being sent to the FBI, while "positive hit" lists from the Nebraska Service Center are arriving at District Offices after the interviews have been scheduled.

"OPERATION JIFFY LUBE"

A number of INS employees testified, under oath, before the Subcommittee on National Security, International Affairs and Criminal Justice of the House Government Reform and Oversight Committee on September 24, 1996. They testified that Adjudications Officers feel pressured by their supervisors to "approve, approve, approve;" that good moral character standards are being ignored; that representatives of CBOs complain to supervisors about adjudicators who continue or deny applications, and that sometimes those adjudicators are removed from their duties; that adjudicators who go on outreach interviews have to provide copies of their tally sheets (showing approvals, denials and continueds) to the CBO representatives; that adjudicators have been told by their supervisors that the are not IRS agents and so shouldn't concern themselves with possible tax fraud even though that would violate good moral character. These employees pointed out that, while the simple fact than an applicant has a criminal record does not automatically make him or her ineligible for naturalization, the fact that he or she lied on the application does. Lying on the application is inconsistent with good moral character and so should make an applicant ineligible for citizenship for five years.

Each of these INS employees came forward knowing that he or she was risking his or her job or other forms of retaliation against whistle-blowers. A popular slogan among INS employees is "no good deed goes unpunished." When asked why they came forward, their answers included: "Because I know there is right and wrong;" "We are sworn to uphold the law;" and "Out of a sense of responsibility." These people, and the thousands of other INS employees like them, are the true heroes of INS. They should be rewarded for their honesty and their integrity, but instead, they are afraid for their jobs.

Following the House hearing, a letter was sent to the *Washington Times* by the Dallas District Director, who referred to one of these employees as a "disgruntled employee" with a "personal agenda." He was referring to Neil Jacobs, the Assistant District Director for Investigations in Dallas, who testified that, of approximately 25,000 applications for citizenship that were processed recently in Dallas, not a single referral was made to the Investigations unit to investigate a fingerprint hit, good moral character, application fraud or testing fraud.

What the District Director failed to mention about Mr. Jacobs in his letter is that this "disgruntled employee" was, ironically, awarded the 1995 Hammer Award for Reinventing Government by Vice President Gore for creating the much-touted "Operation Jobs" initiative. (For the record, Mr. Jacobs also has been presented with the 1995 Ford Foundation Award for Innovations in American Government, an INS award for Bravery Above and Beyond the Call of Duty in 1983, INS Outstanding Performance Ratings every year from 1981 through 1992 and 1994 and 1995, and INS Special Achievement Awards in 1975, 1976, 1978, 1985 and 1994.)

The naturalization process, as it now stands, is far different from the one envisioned in our law. While the initial goals of Commissioner Meissner's INS may have been laudable, it is clear now that expediency won out over integrity. Had the new system's designers been committed to efficiency and integrity, different choices would have been made. Instead of approaching naturalization streamlining in a thoughtful and responsible way, changes were made haphazardly with only an eye toward increasing the numbers of successful applications. For example, the 60-day waiting period for the fingerprint checks could have been eliminated entirely, and the process made less labor intensive, had some of the CUSA funding been used to install electronic fingerprint devices in INS offices. Instead, the pre-existing problems were compounded and the result was the granting of our nation's most prized benefit, citizenship, to criminals. The naturalization system has been compromised, not only in the eyes of INS employees who now refer to it either as the "Jiffy Lube Program" or "Nats-R-Us." but also in the eyes of Americans—native born and naturalized. The forces behind these changes have done an egregious disservice to their country.

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Naturalization Chronology

Prepared by the Center for Immigration Studies

FY 1990: N-400 applications pending at start of FY: 172,601
N-400 applications received: 233,843

FY 1991: N-400 applications pending at start of FY: 213,843
N-400 applications received: 206,668

July 1991: -Final rule on requirements for English Language, American History and Civics, Standardized Naturalization Testing by outside entities is published in the *Federal Register.*

FY 1992: N-400 applications pending at start of FY: 115,181
N-400 applications received: 342,238

Oct. 1991: -INS authorizes Educational Testing Service (ETS) to administer standardized tests.

FY 1993: N-400 applications pending at start of FY: 199,358
N-400 applications received: 521,866

Nov. 1992: -INS authorizes Comprehensive Adult Student Assessment System (CASAS) to administer standardized tests.

May 1993: -Skip Tollifson, Senior Immigration Examiner, Headquarters, Adjudications, is listed as the national contact for information on test sites, including "site additions and deletions."

July 1993: -INS authorizes Southeast College to administer standardized tests.

FY 1994: N-400 applications pending at start of FY: 269,192
N-400 applications received: 543,353
-The first aliens legalized under the 1986 IRCA amnesty become eligible for naturalization this FY.
-Debate over California's Proposition 187 heats up toward the end of this FY.

Oct. 1993: -Doris Meissner is sworn in as INS Commissioner; at her confirmation hearing she states that she intends for the INS to be "much more active...where naturalization is concerned."

June 1994: -An INS naturalization work group conducts a survey on ways to streamline the naturalization process.

July 1994: -Naturalization Assistance Services (NAS) submits proposal for authorization to administer standardized tests.

Aug. 1994: -INS authorizes NAS to administer standardized tests.
-Skip Tollifson is still national point of contact.

Sept. 1994: -Daniel Solis, President and Executive Director of the United Neighborhood Organization of Chicago (UNO), meets President Clinton at a Democratic fundraiser in Chicago and discusses naturalization as a way to increase the number of Democratic voters.

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FY 1995: N-400 applications pending at start of FY: 314,236
N-400 applications received: 1,056,981*
-Legislative welfare reform proposals examine cutting benefits to non-citizens.

Oct. 1994: -INS authorizes Marich Associates to administer standardizes tests.
-An Immigration Intelligence Officer finds evidence of testing fraud by an ETS affiliate in Ranch Cordova, CA.

Nov. 1994: -California's Proposition 187 passes by a wide majority and is then blocked by the court.

Dec. 1994: -INS Executive Associate Commissioner Robert Bach distributes to field offices a memo soliciting comments on a proposal originating from the June 1994 streamlining survey to waive personal naturalization interviews for selected categories of aliens.
-An investigation into an ETS testing site in Fort Lauderdale, FL is initiated following allegations of fraud.

Jan. 1995: -INS Headquarters begins work on a reprogramming request for naturalization.

April 1995: -Naturalization is identified as a "major reinvention effort."
-INS contracts with a management consulting firm, PRC, to work with a team of 20 INS staff to "re-engineer" the naturalization process.
-INS submits its naturalization reprogramming request to the Appropriations Committees in Congress.
-INS examiners find evidence of testing fraud by NAS and Marich affiliates in Texas.

May 1995: -INS and PRC produce the results of their four-week study in a publication called *Results in 30 Days: Re-Engineering the Naturalization Process.*
-Evidence of testing fraud by a Marich affiliate in Amarillo, TX is discovered.

June 1995: -Congress approves naturalization reprogramming request.
-INS examiners in Dallas, TX document a pattern of testing fraud by NAS and Marich affiliates and ask that INS Headquarters, which has by this time been informed of the problem, take action against Marich.
-Commissioner Meissner requests that naturalization be designated as a formal Reinvention Lab by Vice President Gore's National Performance Review (NPR).

July 1995: -The Office of Cabinet Affairs at the White House informs INS Executive Associate Commissioner Robert Bach, in answer to his inquiry, that there are a number of potential legal problems with the President writing personalized letters to all newly-naturalized citizens.
-A local Sheriffs Office reports to INS that testing fraud is being committed by a Marich affiliate based in Liberal, KS and testing in Perryton, TX.
-ETS suspends an affiliate in Philadelphia, PA.
-INS finds evidence of testing fraud by an NAS affiliate in Ohio.

Aug. 1995: -Associate Commissioner for Examinations Louis Crocetti notifies District Directors that the White House has established distribution of the President's Congratulations letter to all newly-naturalized citizens as a "priority."
-INS begins work on a second naturalization reprogramming request.

*** Until July 1995, INS data on N-400 included only those applications logged into INS databases as of the specified date. Beginning in July 1995, INS began including all applications received, including those not entered into the databases.**

-David Rosenberg is to be the Naturalization Re-Engineering Project Coordinator.
-"Citizenship USA" (CUSA) is unveiled; to be focussed on the five cities with the largest numbers of pending N-400s: Los Angeles, San Francisco, New York, Chicago and Miami.

Sept. 1995: -Daniel Solis of UNO sends a letter to First Lady Hillary Clinton to explain the potential of naturalization to produce new Democratic voters.
-Naturalization is approved as an NPR Reinvention Lab; Mr. Rosenberg is the point of contact.
-Commissioner Meissner sends the Executive Summary of the PRB re-engineering report to field offices for comment.

FY 1996: N-400 applications pending at start of FY: 705,712 + 96,774 unentered
N-400 applications received: 1,160,000

Oct. 1995: -INS convenes a working group to identify and solve the problems with the Naturalization Automated Case System (NACS - the naturalization database).
-INS authorizes American College Testing (ACT) to administer standardized tests.
-INS instructs field offices that the "inability [of a naturalization applicant with a test certification from an outside entity] to speak English may not be the sole reason" for determining that there was fraud in the testing.
-NAS suspends an affiliate in Sacramento, CA.

Nov. 1995: -INS submits second naturalization reprogramming request to Appropriations Committees in Congress.
-Testing fraud is discovered at an NAS affiliate in Minneapolis-St. Paul, MN.
-Testing fraud is discovered at an unlicensed testing center in Philadelphia, PA.
-Dallas INS office submits recommendations to reduce fraud by testing entities.
-NAS suspends an affiliate in Richardson, TX for improperly conducting tests in Boston, MA and Denver, CO.
-After seeing a television broadcast documenting testing fraud at the NAS affiliate in St. Paul, INS suspends NAS.

Dec. 1995: -NAS lawyers threaten to file federal suit unless INS reinstates NAS.
-INS and NAS sign a stipulated settlement agreement and NAS is reinstated.
-At Executive Associate Commissioner Aleinikoff's request, INS Headquarters convenes working group to establish guidelines for investigating testing entities.

Jan. 1996: -Congress approves second reprogramming request.
-Marich suspends an affiliate in Bronx, NY.
-An investigation initiated by an INS District Office results in the arrest and prosecution for testing fraud of four people at an NAS affiliate in Honolulu, HI.
-INS instructs NAS to suspend the Honolulu affiliate.

Feb. 1996: -"Direct Mail" of N-400s to Service Centers for all CUSA cities begins.
-Mr. Rosenberg requests help from Vice President Gore's Office in acquiring additional personnel, ceremony space and funding for CUSA.
-Doug Farbrother from Vice President Gore's office, along with other NPR staff, become increasingly involved in CUSA.
-The New York Immigrant Coalition sends recommendations to INS on how to lessen fraud by testing entities.
-INS Headquarters discusses designating a contact person to track testing entity violations so that INS will have a record of them in case of litigation.

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-INS Office of Internal Audit is cooperating with the DOJ Office of Inspector General (OIG) on an investigation into testing fraud.
-Testing fraud is suspected in Tucson, AZ, but the examiner is told to approve naturalization anyway.
-Marich suspends an affiliate in Queens, NY and fraud is suspected at another affiliate in Brooklyn.
-INS recommends that testing entities be allowed to publish a list of 150 test questions as a study guide for applicants.

March 1996: -Mr. Rosenberg and Mr. Farbrother, along with other INS and NPR staff, begin visiting CUSA cities as part of a two-week review of CUSA's effectiveness.
-Mr. Farbrother emails himself a reminder to talk to INS and DOJ security about speeding up hiring by bringing on new hires while their background checks are being done, instead of waiting for them to be finished.
-INS Regional Offices are notified of a "'White House' initiative to further enhance and accelerate" naturalization by, among other things, keeping CUSA offices open for extended hours and on weekends.
-Mr. Farbrother asks INS Deputy Commissioner Chris Sale (or Commissioner Meissner) to delegate full authority to District Directors to "waive INS rules and regulations" in order to speed up naturalization.
-Deputy Commissioner Sale announces that staffing for CUSA would be increased by 20 percent, and delegates full authority over the funds and hiring to District Directors in CUSA cities.
-Following the announcement of a 20 percent increase in CUSA staff, INS Headquarters increases the "production goals" for the CUSA cities by almost 40 percent (from 588,313 to 814,255 N-400 completions).
-INS Headquarters staff pass on via email a message from Commissioner Meissner regarding a promise she made to Rahm Emanuel, Assistant to the President, to provide periodic updates on the progress of CUSA to Emanuel, Attorney General Reno, Chief of Staff Leon Panetta, Vice President Gore and others in the White House.
-White House aide Harold Ickes receives a memo assuring him that the author has "reviewed the process of voter registration in naturalization ceremonies" and "in every instance in which a new citizen is sworn in, the new citizen receives a packet from I.N.S. which includes a voter registration mail in card."
-Mr. Farbrother complains to one of the Vice President's staff that some CUSA offices are "still getting way too much interference from headquarters" with regard to getting adequate staffing.

April 1996: -NAS cancels affiliates in New York, NY, Brooklyn, NY, Houston, TX and San Bruno, CA.
-INS sends a memo to field offices detailing guidelines on investigating testing fraud.
-INS Headquarters is notified that the television program "20/20" is investigating NAS testing fraud.

May 1996: -Mr. Crocetti notifies District Directors that the streamlined naturalization process is to expanded from the CUSA cities to all offices, effectively immediately (unless regulations still need to be developed).
-Marich terminates a Staten Island, NY testing cite.
-Executive Associate Commissioners Aleinikoff and Slattery send field offices guidelines on conducting unannounced on-site inspections of testing facilities.

June 1996: --"20/20" interviews Mr. Aleinikoff about naturalization and testing fraud.
-INS sends a letter to the testing entities advising them that District Offices may conduct unannounced on-site inspections, and laying out what they will be looking for.
-An email from a Headquarters Ethics Officer indicates that Mr. Aleinikoff wants Skip Tollifson's actions investigated, by the officer is unsure whether INS or DOJ-OIG should "commence" the investigation.
-INS is investigating two testing sites in San Francisco.
-NAS cancels its contract with the affiliate in Dallas, TX that was featured in the "20/20" story.
-INS issues NAS a Notice of Intent to Suspend.
-INS Headquarters Counsel issues a memo instructing Executive Associate Commissioner Slattery that it is a violation of Federal law for INS offices to use volunteers to perform duties normally performed by INS personnel.

July 1996: -INS Headquarters tells field offices that they are to continue accepting certificates from NAS affiliates until they hear otherwise.

Sept. 1996: -Mass naturalization ceremonies are held around the country, including one at Soldier Field in Chicago in which INS employees are unable to control the crowd long enough to hand out all the naturalization certificates and collect the green cards (estimated to have up to a $30,000 street value).
-The Subcommittee on National Security, International Affairs and Criminal Justice of the House Government Reform and Oversight Committee convenes two hearings on naturalization after requesting/subpoenaing over 30,000 documents from the INS, the White House and the Vice President's Office.

11(3)-00048

Import and Export Act in accordance with title 21, Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated June 18, 1991.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 91-15430 Filed 6-27-91; 8:45 am]

BILLING CODE 4410-09-M

Immigration and Naturalization Service

[INS No. 1275-91]

English Language, American History and Civics, Standardized Naturalization Test

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of program.

SUMMARY: The Immigration and Naturalization Service (Service) is pursuing the development and implementation of a standardized test for naturalization applicants as an alternative means of meeting certain requirements for naturalization as United States Citizens. This notice is to request written proposals from capable entities who are interested in participating in this program. The Service expects the standardized test will facilitate the naturalization of persons who might be otherwise hesitant to apply for naturalization.

DATES: Written proposals from parties interested in developing and administering an alternative testing process based on the criteria in the supplementary information will be accepted on or after June 28, 1991.

ADDRESSES: Written proposals should be mailed in triplicate to Adjudications Division, Immigration and Naturalization Service, 425 I Street, NW., room 7223, Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Stella Jarina, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 514-5014.

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act (Act) provides for the naturalization of certain qualified aliens to United States citizenship. Section 312 of the Act provides in pertinent part that applicants for naturalization must demonstrate an understanding of ordinary English literacy and a knowledge and understanding of the history and form of government of the United States. The Immigration Reform and Control Act of 1986 (IRCA) required the Service to implement a similar test for applicants for permanent residence under section 245a of the Act.

In response to a public notice published in the Federal Register on July 13, 1990 (55 FR 28836), to announce the Service's consideration of implementation of a standardized English Language/Citizenship test for naturalization purposes, a total of 11 comments were received from both outside and inside the Service. Upon review and careful consideration of these comments, the following changes were made to clarify and expand on the selection criteria which appeared in draft form in the Federal Register on. Criterion (3) has been amended to clarify that the "approval" of individual test results relates to the manner in which the results are transmitted to the Service.

Criterion (6) has been amended to enable a testing entity capable of administering a test in more than one state, or operating within or under the supervision of a public school system, to be approved to administer the standardized test.

Criterion (8) has been amended to include the requirement that the testing entity provide the applicant with evidence of having taken the test if results are not provided the same day as the test. The results provided to the Service in individual cases related only to those persons passing the test. The Service will not be advised of the identities of those persons who do not pass the test, and failure of this test will have no effect on a person's ability to retake this alternative test or be separately tested by a Service officer.

Six commenters requested clarification of what would constitute fraud or misrepresentation on the part of the applicant or testing agency and how fraud would be determined. We have determined that it would be inappropriate to specify in advance what specific type of actions would constitute fraud, as this would be seen as limiting the authority of the Service.

Two commenters wished clarification as to the scoring of the written portion of the test; as two sentences were being required to be written, as opposed to only one required for the test under legalization. While approval of scoring methods will be based upon individual proposals submitted, it is intended that the applicant must pass on one of the two sentences.

One commenter requested that the test answers be read to the applicant in addition to the questions. However, we have determined that the only way to adequately test the applicant's ability to read, would be if he/she made the choice of the answers based upon what is read, not what is also read to him/her. Also the long term integrity of the test requires that there be no question of the tester having influenced the answers of the applicant by the manner in which the answers are read, whether intentional or not.

Five commenters requested that the test either be not restricted to school environments or requested that voluntary agencies be allowed to provide the test. The "environment" in which the test is given is not restricted under the criteria, but will be a factor to be considered in the approval of a testing entity, as it relates to the security of the test. Also, the requirement in criterion (6) that the testing entity have management control of the testing site, personnel and supplies, does not preclude the testing entity from contracting specific services from various local entities provided that control and oversight are maintained.

Four commenters indicated concern either for the amount of the fee or reimbursement for local voluntary agencies. The Service will have no financial liability or stake in the administration of any test. The Service's approval of the fee is solely to insure the reasonableness of the fees charged.

One commenter raised the issue of the length of time for which test results would be valid. An applicant for naturalization must establish eligibility under section 312 at the time of the examination on the application. It is felt that one year is a reasonable amount of time in which to continue to accept the results of a standardized test. Therefore, the test results will be considered valid in connection with a Form N-400 submitted within one year of the date the test is passed.

Any qualified entity may apply to the Service for acceptance as an approved testing entity. The agreement between the Service and the testing entity will be nonfinancial. The Service shall incur no financial liability and intends to make no payments to any entity under this program. The Service agrees to accept the test results from an approved entity as evidence of a naturalization applicant's ability to read and write English and knowledge of the government and history of the United States as required by section 312 of the Act, when said applicant submits an application to file a petition for naturalization within one year of successfully passing an approved test.

SEE NEXT PAGE

2.

The passage of the approved test will not be construed as evidence of ability to speak English.

Criteria:

The following criteria and requirements are provided for submission of proposals:

(1) The testing entity must demonstrate experience in developing and administering reliable standard examinations in the English language and civics areas (for example, tests are currently recognized and accepted by an established public or private institution of learning recognized as such by a qualified state certifying agency).

(2) The written test will be constructed in English as a twenty [20] question multiple choice pass/fail test, with two dictated sentences to be written in English. The test will be constructed so as to be completed in no more than forty-five (45) minutes. The test questions and the dictated sentences will be read aloud in English to the applicants by a qualified proctor in person, or audio cassette or video tape. The answers will not be read to the applicants.

(3) The test questions and scoring standards for test scores will be approved by the Service. The scoring standard must provide that the minimum passing score for the multiple choice questions will be not less than 60 percent. The scoring standard must also provide for satisfactory completion of one of the two sentences. The test questions or scoring standards will not be changed by the testing entity unless approved or directed by the Service. The test results submitted by applicants to the Service are not valid until verified by the Service. The testing entity must develop, and the Service must concur in any form of electronic or manual transfer of test result data from the entity to the Service.

(4) The content of the test questions, with the exception of current political office holders, must come from the latest edition of the Service's Federal Citizenship Textbook Series. Only the M-287, M-208, M-291 and English as a Second Language Textbook Versions (M-302, M-303, M-304) are to be used. These textbooks can be purchased from the U.S. Government Printing Office.

(5) Testing entities are required to field test the examination, in cooperation with the Service, prior to implementation. The testing entity shall notify the Service of the opening of a new site or closing of a site within ten business days of such action.

(6) The testing entity must be capable of administering the examination in more than one state (to include U.S. Virgin Islands; Guam, and Puerto Rico), or operate within or under the supervision of a public school system. In administering the examination the entity must have management control over the testing schedule, test location, procurement and management, hiring authority over testing personnel, and responsibility for needed supplies. Service approval cannot be transferred to an unapproved entity for administration of tests. The testing entity must ensure, if concurrently providing test preparation instruction, that test standards are strictly followed. The fee charged will be determined by the approved entity with the concurrence of the Service. Justification of the fee amount must be submitted with any proposal. If the applicant fails the test he or she will be given the opportunity to retest one time at no additional costs. The retest shall be a variation of the initial test.

(7) The Service will maintain a list of approved testing entities and will make such listing available to the public upon request. The testing entity is required to provide reasonable public notice of the test location and schedule. At least fifteen days prior to the beginning of each month, the testing entity shall provide the Service with a report of the scheduled test dates by location for the coming month.

(8) The approved testing entity is responsible for scoring the examination and shall provide the results to the applicant and the Service by the fifteenth business day from the date of the test. If test results are not provided to the applicant on the day of the test, a receipt or other evidence of having taken the test will be provided.

(9) The testing entity shall provide test security and test integrity subject to review and approval by the Service.

(10) The testing entity will be responsible for verifying the identity of the person taking the test.

(11) The Service reserves, without notice, the right of onsite inspection to determine the continued reliability and integrity of the test and testing procedures.

(12) The Service reserves the right to remove an entity from the approved register for good cause. The testing entity will be notified in writing of its removal from the approved register, and must cease examination immediately upon receipt of such notice. No appeal lies from the decision to remove, but a request for reconsideration may be entertained by the Assistant Commissioner for Adjudications, Examinations Branch, Central Office, Washington, DC.

(13) The testing entity must provide the Service with quarterly management reports throughout participation in the program. The reports shall include, but are not limited to, monthly statistics by a testing site on the number of applicants who take the test, and the number of persons who pass and fail.

Dated: April 20, 1981.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 81-13383 Filed 5-27-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Office will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

3.

PROPOSAL FOR

NATURALIZATION ASSISTANCE SERVICES

TO BECOME AN APPROVED

TESTING CENTER

Presented to:
U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
425 I Street N.W.
Washington, DC 20536

Presented by:
Naturalization Assistance Services
2980 Lakeland Highlands Road
Lakeland, FL 33803

July 18, 1994.

Immigration and Naturalization Service to become a testing entity and to develop and administer a standardized test as an alternative means of meeting certain naturalization requirements for naturalization as United States citizens.

Upon approval as a testing entity, Naturalization Assistance Services will become a sub-corporation of Right Way Driving Schools, Inc. The principals in Right Way are Paul W. Roberts, President/Treasurer and Julie P. Roberts, Vice President/Secretary.

1) Right Way Driving Schools Inc. is a private institution of learning, regulated by the State of Florida as a Driver Improvement School, and licensed to administer and test applicants in a course of study for first-time drivers that is required to obtain a Florida driver's license. Right Way Driving has developed driving programs for the National Park Service and the Department of Energy. These programs include classroom instruction covering the duties and rights of citizens and how laws are passed and enforced. The students must also successfully complete a standardized final test.

2) Naturalization Assistance Services proposes to administer a written test in English, consisting of a twenty (20) question multiple choice test and two dictated sentences written in English. The questions and dictated sentences will be read aloud in English by a qualified proctor. The answers will NOT be read to the applicants. An alternate 20 question multiple choice test has been developed for those who fail the test on the first try and need to re-test.

3) Students must score at least 60% on the multiple choice section and must correctly write one of the two English sentences, which will be read aloud to them.

We understand that the results are not valid until verified by the I.N.S. Test result data will be provided to I.N.S. as required by manual means using the U.S. Postal Service or any other courier service where proof of delivery is required.

4) The content of all the test questions, with the exception of the current political office holders, came from the latest edition of the I.N.S. Federal; Citizenship Textbook series (M-287, M-289, M-291)

5) Prior to implementation, the examination will be field tested in cooperation with I.N.S.

6) We will be capable of conducting tests in more than one state. Initially, we will conduct tests in Florida and Texas. We will have control over the testing schedule, test location, procurement and management; hiring authority over testing personnel; and responsibility for needed supplies. Test standards will be strictly enforced. Individuals conducting test preparation courses will not have access to test questions or test files and supplies.

fee based on the following projected expenses for testing 1,000 applicants within a 6 month period:

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Secretarial	(6 month salary)	$9,000.00
Part time proctors	$10.00 x 170 hrs	$1,700.00
Tests and answer sheets		$ 600.00
Advertisment		$2,000.00
Test site rental		$1,200.00
Telephone		$1,500.00
Administrative support		$1,000.00
Office supplies		$1,500.00
Office rental		$2,400.00
	TOTAL	$20,900.00

If the applicant fails the test, he or she may retast one time at no additional cost. The retest will be a variation of the initial test.

7. We will provide reasonable notice each month in regard to the following month's schedule through public media advertisements. We will notify I.N.S. at least 15 days prior to the beginning of each month the scheduled test dates and locations for the coming month.

8. We will score the exam and provide results to the applicant and the I.N.S. by the fifteenth day fron the test date. A test registration receipt will be provided to the applicant as evidence of the applicant having taken the exam. We will provide only the names of those that successfully complete the test to I.N.S.

9. Tests and answer sheets will be controlled by pre-assigned numbers. All tests and testing material will be locked in a file cabinet when not in use by the test proctors. Test proctors will not leave tests or test materials on desks or tables that are out of sight of the proctor. Once the test have been scored and recorded, the related material will be locked in a file cabinet. While transporting test materials to and from the test sight, the proctor will transport the material in a locked brief case.

10. The identity of each applicant will be verified by the proctor by students photo ID. The only forms of ID acceptable are those issued by any state or federal government.

11. On sight inspection by I.N.S. is welcomed by Naturalization Assistance Services.

12. We will provide the I.N.S. with quarterly reports. These reports will have monthly statistics, detailing test locations, number of people testing, number of successful/unsuccessful completions.

NATURALIZATION ASSISTANCE SERVICES' PROPOSAL 5.

The purpose of this memo is to explain and clarify some issues in regards to becoming an approved testing entity. NAS is planning to use hotel meeting rooms in the cities where we test. These meeting rooms will be in high visibility locations so that applicants will be able to find them wit little effort. The hotel meeting rooms also provide a good atmosphere for proctors, applicants, and those waiting to take the test. These locations will be submitted for approval as soon as I.N.S. takes action on our proposal.

We will provide a telephone number to I.N.S. so that any I.N.S. office or officer may contact a member of our staff in regards to any applicants paperwork or test results. This phone number will not be for the general publics use.

Prior to the first test in any city, we are going to notify the local law enforcement agency so that they may post a job announcement for part-time work as test proctors. Prior to the test date we will contact, interview, and train the proctors so that on subsequent tests in that city, we will not need to repeat this process. We intend to use off-duty law enforcement officers because they GENERALLY meet our standards for employment. The proctors will be managed, paid, and trained with the understanding that employment will be on an on-going basis. The duty of a proctor will be to make sure applicants do not look on other applicants answer sheets, that n notes or books are brought into the test room, that no one talks after the test has begun, and other duties to ensure test security.

Reporting the test results to INS can be done manually-in other words we could send a typed roster of those applicants that successfully complete the test. If a certain computer program is used that will make the transfe of information easier, we would be interested in using that method.

There will always be an official from our company at the test site to deal with any management, set-up, or questions that proctors might have.

I have enclosed a copy of our license from the State of Florida and also a copy of the Florida Department of Law Enforcement background check on me. I was a law enforcement officer for 17 years and my wife Julie was a law enforcement officer for approximately 10 years.

Thank-you fro your consideration.

Paul W. Roberts

Paul W. Roberts

4.

Author: Frederick H Tournay at HQCOU
Date: 6/13/96 5:02 PM
Priority: Normal
Receipt Requested
TO: Ramona L McGee
Subject: Re: ABC 20/20 interview/Skip Tollifson
---------- Message Contents ----------

John:

Earlier this week, we referred a matter to the OIG involving allegations against former INS employee Skip Tollifson.

Employees have suggested to me that Tollifson approved NAS, a naturalization testing entity even though they did not meet the Service's criteria, failed to properly monitor NAS; he was overheard negotiating for employment and has now violated the post employment restriction laws, and misappropriated for his own commercial use the INS' slogan, "Citizenship USA".

When ABC News interviewed Alex Aleinikoff, they raised the issue, apparently from a former NAS employee who they refuse to identify, that Tollifson accepted golf trips from NAS while still a federal employee.

Jim Meeker and Dave Glendenning accepted the referral as informational; they are willing to conduct an investigation only if the INS furnishes some leads beyond the mere allegations.

Adjudications has identified approximately 5 people who have information regarding Tollifson's activities and are willing to talk.

In an earlier conversation with Dominick, he indicated that because Tollifson is no longer with the agency, that your branch lacks jurisdiction to investigate. Meeker subsequently expressed the opinion that if OIG has jurisdiction, so do you. Adjudications is sensitive to the fact that information apparently continues to be 'leaked' to Tollifson and they are reluctant to interrogate his former coworkers.

We anticipate Alex might be re-interviewed by ABC the week of 06/17 and he would like us to take affirmative steps to look into this matter and commence an investigation. But, I am at a loss as to who should interview these employees to develop the leads so that OIG can conduct an investigation; please advise.

Ramona McGee, of my office, is handling this matter and will be available Friday, 06/14, awaiting your advice. I will be out, but can be reached at 5-5306 if you need additional information.

Fred Tournay

4.

Author: Frederick H Tournay at HQCOU
Date: 5/7/96 8:03 AM
Priority: Normal
Receipt Requested
TO: Ramona L McGee
Subject: Re: Telephone Conversation w/ Skip Tollifson
---------- Message Contents ----------

Ramona:

As you know, I was out last week; I meant to check with you yesterday on what progress had been made. Did you transmit a synopsis of what has transpired to Janice Rodgers? I didn't see anything on Amicus when I checked.

Call me when you get a chance.

---------- Reply Separator ----------
Subject: Telephone Conversation w/ Skip Tollifson
Author: Ramona L McGee at HQCOU
Date: 5/6/96 4:37 PM

Fred:

I wanted to make you aware that I had a telephone call today from Skip Tollifson on behalf of NAS, again requesting that INS consider appearing with the six entities on 20/20. Skip indicated that NAS is really interested in meeting with us to discuss the issue and that John Wendell, General Counsel for NAS, and Paul Roberts, CEO for NAS, want clarification on their current status with INS. This call was in direct response to an earlier call made by John Wendell to Janice and I regarding the 20/20 interview and the possibility of John Wendell meeting with us personally to discuss the issue. I have my notes from my conversation if you need them.

I think that INS or DOJ needs to make a decision fairly quickly on what we wish to do about Skip's contacts with INS and association with NAS. Hopefully, Janice Rodgers has been able to determine if Skip's actions have violated any post-employment statutes. If not, at a bare minimum, I think we need to have a "cease and desist" letter issued to Skip so that he is made aware of what he can and cannot do based on his prior employment with INS.

Ramona McGee

Author: Al Gallmann III at WRO-PHO-TUC-001
Date: 2/15/96 4:26 PM
Priority: Normal
TO: William N Johnston at WRO-PHO-TUC-001
Subject: Re: ETS

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---------- Message Contents ----------

Bill,

Punt, what else. That's a viable option. If his English was alright, we have one more U.S. citizen.

Al

---------- Reply Seperator ----------

Subject: ETS
Author: William W Johnston at WRO-PHO-TUC-001
Date: 2/15/96 4:19 PM

Al: Scenario---N-400 applicant comes in for interview and fails for lack of knowledge of history, govt. He is continued. Two days later he comes back with a certificate showing he passed the test.
What do we do?
Bill

STIPULATED SETTLEMENT AGREEMENT 6.

WHEREAS, Naturalization Assistance Services (hereinafter NAS) was approved by the Immigration and Naturalization Service (hereinafter INS) on August 12, 1994, as an authorized testing entity, to administer a standardized English language, United States history, and civics examination, which satisfies Section 312 of the Immigration and Nationality Act (hereinafter the Act) to naturalization applicants, with such authorization being contingent upon NAS's compliance with the twelve (12) item criteria set forth in the 1991 Notice of Program, 56 Fed. Reg. 29714-28715 (June 28, 1991);

WHEREAS, NAS delegated said authority to administer standardized English language, United States history, and civics examinations which satisfy Section 312 of the Act to its licensees through contract or license;

WHEREAS, Asian Pacific Resources (hereinafter APR), was a licensee of NAS, with authority granted through license and delegation, to administer standardized English language, United States history, and civics examinations which satisfy Section 312 of the Act to applicants for naturalization;

WHEREAS, INS learned of alleged improprieties of then NAS licensee APR, related to test preparation and administration, which upon review, INS determined not only to be entirely inconsistent with the standards established under the aforementioned 1991 Notice of Program but also to be a prima facia violation of criteria six (6) and nine (9) of said standards;

WHEREAS, on November 22, 1995, by facsimile transmitted at 20:47 (8:47 pm) Eastern Standard Time (EST), INS suspended the authority of NAS and its licensees to administer standardized tests to naturalization applicants for compliance with the requirements of Section 312 of the Act and 8 CFR § 312.3(a)(1);

6.

WHEREAS, on November 29, 1995, INS issued a wire to all district directors (except foreign) and officers-in-charge (except foreign), notifying them of the suspension of NAS's testing authority under section 312 of the Act, and directing all field offices to no longer accept any NAS certificate noting the fulfillment of section 312 requirements for naturalization by any naturalization applicant dated on or after November 22, 1995;

WHEREAS, on December 5, 1995, NAS respectfully demanded an immediate "in-person" hearing with INS for reconsideration of this matter and requested that INS immediately lift the suspension order so that NAS licensees could resume administering citizenship examinations;

WHEREAS, on December 8, 1995, INS issued NAS a Notice of Administrative Hearing for Suspension of Section 312 Testing Authority of NAS, with a scheduled hearing date of December 20, 1995, with said hearing to be held before Louis D. Crocetti, Associate Commissioner, Examinations, INS, for reconsideration and de novo review of the NAS suspension;

WHEREAS, upon review and reconsideration of this matter, both NAS and INS agreed that potential litigation in this case would be complex, lengthy and costly to all parties concerned and any decision of by a district court would be subject to appeal by the losing parties with the final outcome uncertain; and

WHEREAS, both NAS and INS believe that settlement of this matter is in their best interests and best serves the interests of justice by avoiding a complex, lengthy and costly trial, and subsequent appeals which could last several years;

NOW THEREFORE, INS and NAS enter into this Stipulated Settlement Agreement (the Agreement), stipulate that it constitutes a full and complete resolution of all matters in controversy between the parties, and agree to the following:

6.

I. DEFINITIONS

As used throughout this Agreement, the following definitions shall apply:

1. The term "party" or "parties" shall apply to NAS and INS. As the term applies to INS, it shall include their agents, employees, contractors and/or successors in office. As the term applies to NAS, it shall include NAS, its officers, directors and employees.

2. The term "test," "testing," or "standardized citizenship test" shall refer to any examination, oral or written, and any test preparation of applicants for naturalization for their ability to read and write English and on their knowledge of United States history and government, as required under Section 312 of the Act and 8 CFR § 312.

II. SCOPE OF SETTLEMENT AND EFFECTIVE DATE

3. This Agreement officially terminates the suspension action taken against NAS on November 22, 1995, and reinstates NAS's authority to administer standardized citizenship tests and issue NAS certificates noting the fulfillment of section 312 requirements for naturalization by any naturalization applicant. This Agreement shall become effective upon execution of this Agreement.

III. TERMS

4. NAS shall provide proof, in the form of an original or photocopy, by close of business December 13, 1995, of the cancellation of APR's license to administer standardized citizenship tests pursuant to section 312 of the INA;

5. NAS's cancellation of APR as a NAS licensee shall be permanent and not subject to modification;

6. NAS shall provide to INS, in writing, within thirty (30) days of the date of settlement, for INS review and approval, quality control procedures that are currently in place or will be established, which clearly delineate criteria for evaluation, investigation, and enforcement, to ensure

6.

the integrity of the testing procedures utilized by NAS licensees, provided that INS, within thirty (30) days from the date of this Agreement, shall request that all other authorized testing entities, licensed pursuant to the 1991 Notice of Program, provide similar written statements of quality control procedures, within ninety (90) days from the date of this Agreement;

7. NAS shall provide to INS, in writing, by the close of business on December 13, 1995, a list of all NAS licensees which continued testing after the November 22, 1995, Notice of Suspension, without notice thereof, and provide a sworn affidavit Paul W. Roberts, CEO, NAS, attesting to NAS's first knowledge of the INS Notice of Suspension on November 27, 1995, and attesting to notification of all NAS licensees of the suspension, via facsimile during the week of November 27, 1995;

8. NAS shall provide to INS, in writing, by close of business on December 13, 1995, a list of all applicants, including full names, "A" numbers, and test site locations, who passed NAS examinations administered by NAS licensees between November 23 and November 26 1995;

9. NAS agrees that INS may utilize any information discovered in this matter for any lawful purpose;

10. NAS shall release INS from any loss incurred by NAS arising from the suspension of NAS from the date of suspension through December 13, 1995, including but not limited to, any NAS financial loss, attorneys fees and testing fees, and the parties agree that the 1991 Notice of Program, the Administrative Procedure Act, 5 U.S.C. §§ 551 et. seq., Blackwell College of Business v. Attorney General, 454 F.2d 928 (D.C. Cir. 1971), and any other applicable law shall apply to any future administrative actions against NAS or NAS licensees;

11. NAS shall cooperate fully with INS in any investigation and/or prosecution of NAS licensees in the manner prescribed by law;

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12. INS may direct NAS in writing to suspend and/or cancel the operations of any NAS licensee with respect to which INS determines, through investigation or other information, that improprieties exist in the administration of naturalization tests or fraudulent testing practices, which INS deems to be in prima facie violation of the standards established under the 1991 Notice of Program published at 56 Fed. Reg. 29714-29715 (June 28, 1991), subject to the Administrative Procedure Act, or any other applicable law, and if NAS fails to do so, INS may suspend the operations of NAS;

13. Upon execution of this Agreement, INS shall rescind wire no. HQ70133, dated November 29, 1995, and issue a new wire to all field and regional offices, by close of business December 13, 1995, reinstating the section 312 testing authority of NAS and directing all district directors (except foreign) and officers-in-charge (except foreign) to accept any NAS certificate noting the fulfillment of section 312 requirements for naturalization by any naturalization applicant dated on or after the effective date of this Agreement, except that INS will not accept certificates issued to applicants tested by former NAS affiliate, APR, which are dated on or after November 14, 1995;

14. INS shall ensure that the new wire provides that all NAS certificates dated on or before November 22, 1995, and NAS certificates issued between November 23, 1995 and November 26, 1995, by NAS licensees referenced in paragraph 8, will continue to be honored, unless the Adjudications Officer interviewing the naturalization applicant has firm reason to believe that the certificate was fraudulently issued, except that INS will not accept certificates issued to applicants tested by former NAS licensee, APR, which are dated on or after November 14, 1995;

15. INS shall ensure that all district and suboffices fax confirmation of receipt of the wire to Headquarters Adjudication, Attn: Craig Howie or Pearl Chang, 202-514-0198, by close of business on December 13, 1995;

6.

16. Upon receipt of a list of names and addresses for all NAS licensees, INS shall, by close of business December 15, 1995, issue a letter to NAS and all NAS licensees now in good standing, expressing our regrets for any inconvenience the suspension action may have caused to their business operations.

IV. REPRESENTATIONS AND WARRANTY OF TERMS

17. The parties represent that they know nothing in this Agreement that exceeds the legal authority of the parties or is in violation of any law. INS's counsel represent and warrant that they are fully authorized and empowered to enter into this Agreement on behalf of the Attorney General, the United States Department of Justice, and the INS, and acknowledge that NAS enters into this Agreement in reliance on such representation. NAS represents and warrants that its CEO, Paul W. Roberts, is fully authorized and empowered to enter into this Agreement on behalf of NAS, and acknowledge that INS enters into this Agreement in reliance on such representation;

18. NAS and INS represent that this settlement reflects the settlement of any and all disputes between the respective parties of which the parties have any knowledge as of December 13, 1995. There are no other agreements and/or understandings between the parties other than those set forth in this settlement agreement.

//

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19. The undersigned, by their signatures on behalf of NAS and INS, warrant that upon execution of this Agreement in their respective capacities, their principals, agents, and successors of such principals and agents shall be fully and unequivocally bound hereunder to the full extent authorized by law.

DATED: DEC 13 1995

MICHAEL L. AYTES
Acting Assistant Commissioner, Adjudications
Immigration and Naturalization Service

PAUL W. ROBERTS
Chief Executive Officer
Naturalization Assistance Services

PAUL W. VIRTUE
Deputy General Counsel
Immigration and Naturalization Service

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20/20 INTERVIEW
T. Alexander Aleinikoff
Executive Associate Commissioner, Programs
and
Brian Ross, ABC-TV Investigative Correspondent

Monday, June 10, 1996

Transcribed from the audio recording for:
Immigration and Naturalization Service
425 Eye Street, N.W.
Washington, D.C. 20536

INTERVIEW 7.

QUESTION: Let's start by talking about what we were talking about at the ceremony -- it seems at once so solemn and yet joyous. What's going on there?

ANSWER: Well, I think it's a lot like a marriage ceremony. There's something about the statement of commitment that one is making to hopefully a permanent partner for life, in effect, that belief, that commitment, that sense of a new beginning that leads to both laughter and tears.

For many of these people this has been a lifelong dream. They come as immigrants. They've been in the country a few years, they've established roots here, some of them for a long, long time. For many people in the world it is the greatest rite they can apply is U.S. citizenship, so all of that is pent up in that one moment, and to observe this -- I have seen a number of these proceedings over the last few years. Every single one is moving. Senior citizens becoming citizens, children becoming citizens from every country in the world signing on to America. It's a very moving thing to witness it as well as for the participants.

We who are born here don't choose our citizenship. It's given to us. But people who choose it, to watch someone choose it is very --

QUESTION: And what does it say about this country?

ANSWER: It's terrific. It's terrific to be part of a country that most other people in the world want to join and be permanent members of. We welcome it. This agency and the administration supported naturalization for people who want to join us and who qualify.

QUESTION: The people who are there, taking that oath, what are they really swearing to? What have they accomplished? What are they saying?

ANSWER: They're swearing to allegiance to the United States Constitution, to living in and participating in, hopefully fully, in a democratic society, a society which is self-governing; to obey the Constitution, to be willing to bear arms on behalf of their new country, and to living as good citizens, participating economically, socially, civilly in their new country.

The Commission of Immigration who has spoken to people at these events often, often says to people who are being naturalized, give something back of yourselves as well. You will benefit. People who come to here, who have chosen this country, often have the most incentive to contribute, to give something back.

QUESTION: The people who have taken that oath, they worked hard to get that point.

ANSWER: They have.

QUESTION: What have they done?

ANSWER: Well, they've entered as immigrants, and they've waited 5 years, usually, to be naturalized. Many wait more than that, 7, 10 years, before they decide to take the oath. They have demonstrated knowledge of this country's history, of the English language. They have maintained good moral character. They have not

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been convicted of serious crimes, and they have shown that they have roots in the community and will live here peacefully.

QUESTION: Why is that important? Why is that important for them to have demonstrated knowledge of this country's history and of the English language.

ANSWER: Well, we think it's important that when someone becomes a citizen that they will be able to function as a citizen, to participate in self-government.

QUESTION: Is there more to it than that? Why would they have to know who George Washington is, or what the Constitution is?

ANSWER: Well, you may not have to know any particular fact about who George Washington is, but a citizen should be asked -- they're asked a range of questions so someone can have some general sense of the history of this country. It's important to know something of the history of this country to participate.

QUESTION: That is an important thing?

ANSWER: Yes.

QUESTION: If people are cheating on that test, is that a serious problem?

ANSWER: It's wrong, and serious, and we've taken steps to search out the cheating and do something serious about it.

QUESTION: How long has that been going on?

ANSWER: I guess as long as there has been a Government program there are some people who will try to take advantage of the system and bend the rules, so it's hard to know how long it's been going on.

We've been aware recently of some significant problems and have taken tough steps to deal with it in the future.

QUESTION: What was behind the thinking to allow private companies, for-profit companies, to go into the business of citizenship tests?

ANSWER: One thing that's important to think about when you talk about giving the citizenship test, you should be aware that the giving of the test does not entitle someone to citizenship. It's not as if you go in, take your test, fill out your questions, and if you pass, presto, you're a U.S. citizen.

QUESTION: It's a big step, though.

ANSWER: It's one element of many. Before somebody becomes a citizen, they have to pass a citizenship test, they have to demonstrate knowledge of English, they have to communicate in English --

QUESTION: Speak freely back and forth in English?

ANSWER: Yes, but they also must demonstrate that they have good moral character, they have to show that they have not been convicted of criminal offenses, they've paid their taxes, they've signed up for the draft if they are supposed to have signed up for the draft, and if they've lived here for the requisite a period of time, so the citizenship test is one of the elements that we use to judge whether someone's

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ready for citizenship or not.

QUESTION: What was behind the decision to make that a for-profit business?

ANSWER: Well, it wasn't made a for-profit business. What the Service did 4 or 5 years ago was notice that there had been some complaints, actually, by people that were not treated as well as they should be by the Immigration officers, or that they found the interview daunting, that the test was daunting, and further that there may not have been a standardized test given across the agency. There was some thought that if we worked with outside groups, testing entities that had experience in testing, they could standardize the test and they could do some of our work for us, at least, at least that element of certifying knowledge of a citizen.

QUESTION: Does that makes sense?

ANSWER: It can make sense. Right now, people go to colleges and universities based on tests given by outside testing entities. It's not as if each college in the United States requires someone to walk in and take a test. That kind of testing is done by outside entities, and much of Government work can be done by outside groups.

The crucial thing to remember here is that even though the test is administered by an outside entity for-profit or not-for-profit, every single person who is naturalized in the United States receives an interview with an INS officer, and at that interview, if there is any indication that there is fraud in the testing, or that there was any irregularity in the testing, the person at the interview is denied citizenship or retested by the INS officer, so it's really just a first line of test-giving.

QUESTION: So it matters or it doesn't matter?

ANSWER: It matters to the extent that it allows some of our work to be done elsewhere so that we can concentrate more on other things we need to do in the naturalization process, and it may make sense for testing to be administered by an outside entity.

QUESTION: So there was concern that people were afraid when they went to see immigration officers?

ANSWER: It can be daunting to see someone in an interview in that way, or more importantly, if you take the test before, from our perspective, if someone fails the test, then they don't come and spend time in front of our interviewer, so it saves us time in the process, too.

QUESTION: There wasn't an effort to make it sort of an easier process?

ANSWER: No. There was not -- there was an effort to make it customer friendly.

QUESTION: Customer friendly.

ANSWER: But there was not an effort at all to reduce the standards.

QUESTION: What do you mean by customer friendly?

ANSWER: Well, that we think if people spend the time here and have

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qualified for naturalization, just as they're reengineering their processes around the Government, that this administration has cared very much about, then we think we have an obligation to our customers, to our clients, to work with them in a way that allows them to get the benefits to which they're entitled in a way that is not daunting or off-putting.

QUESTION: Do you think of prospective citizens as customers?

ANSWER: Well, I think there's a view in Government that all the people here are our customers. Certainly not something that you sell citizenship. In that sense it's not a for-profit transaction.

QUESTION: But it has become a for-profit transaction, giving these tests. It's a multimillion dollar business now, isn't it?

ANSWER: The testing entities charge perhaps $25 or $30 to give a test, yes.

QUESTION: How do you decide who should give the test?

ANSWER: There are regulations that were adopted 4 or 5 years ago that required a national organization to demonstrate their ability to give a test.

QUESTION: What about the firm, NAS, are you familiar with that?

ANSWER: They're one of our six national organizations.

QUESTION: Aren't they the biggest?

ANSWER: Yes.

QUESTION: You have heard of them?

ANSWER: Yes.

QUESTION: How did they get your authority to give these test?

ANSWER: They were one of six national organizations a few years ago that presented proposals that were judged.

QUESTION: What did they have to qualify them to give citizenship tests?

ANSWER: I haven't reviewed the application. I don't know exactly what they –

QUESTION: We asked for the application, but you wouldn't give it to us.

ANSWER: Well, the application, as I understand it, from what I've been told, may include proprietary information, and in that situation --

QUESTION: Is it true that their background was in driver's education?

ANSWER: I think that's right, yes.

QUESTION: Does that qualify them?

ANSWER: No, absolutely not. Simply giving --

QUESTION: But they have become the biggest in the country.

ANSWER: Yes, but the question is whether they can give the tests fairly.

Now, remember what we're talking about. We're talking about a set of questions that are administered hopefully in a secure manner, and the results are

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recorded fairly and reported to us. It doesn't require an entity to have a Ph.D in history and economics, but the fact that they gave tests on driving education does not qualify them, no.

QUESTION: So what did qualify them?

ANSWER: I can't speak to the initial decision. I was not a part of that decision, but I don't know –

QUESTION: Why can't you give us the application? We've asked for it formally.

ANSWER: As I said, as I understand it, it may include proprietary information, and in that situation we either prefer people go through the Freedom of Information Act, and if you're entitled to it you'll certainly get it, or to go to the submitter themselves and get it that way.

QUESTION: The Federal Register said the following criteria: 5) the testing entity must demonstrate experience in developing and administering reliable standard examinations in the English language and civics areas. Would you call driver's education even close to that?

ANSWER: No, I wouldn't.

QUESTION: How did they get –

ANSWER: I don't know what else is in their application. I don't know whether they were – what the presented. No, but people present proposals as to how they intend to carry this out and what their authorities are.

If it's not – if they only demonstrated that they had given driving tests that would have troubled me without a lot more.

QUESTION: How can we find out what it is that persuaded the Federal Government to give them this rather powerful authority?

ANSWER: Well, we can look that information up and let you know. I don't have it in front of me now.

QUESTION: We've been asking for some time.

ANSWER: Well, I think I said, as to the formal request, that we do prefer that if there is a possibility of proprietary information that you use the Freedom of Information Act, and whatever you're entitled to, obviously we'll be happy to turn it over.

We don't have secrets. We don't want to have secrets here. We want this to be an open process. We want our testing agencies to be credible agencies, and that is why we considered a number of important reforms in recent months that are going to tighten that process up, and in fact we have a regulatory review underway which should be completed shortly which will take a very hard look at these associations, and if we determine from past experience there's a greater risk with for-profit agencies as opposed to non-profit agencies, we won't hesitate to change the rules. We're intent on a fair, secure system.

QUESTION: NAS has now more than 400 test centers where the citizenship

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test is done. Are you satisfied with the job they're doing?

ANSWER: We have entered into much closer monitoring relationship with NAS, as you probably know. I'm sure you know a number of months ago we temporarily suspended NAS because we were not satisfied with what they were doing. There were allegations of wrongdoing in Minneapolis, and we took very quick action and suspended them and reached an agreement with them under which they agreed to monitor more closely their affiliates and, in fact, several of their affiliates have been suspended.

Just last month we received a criminal conviction involving the test taker in Hawaii that was involved in fraudulent activity which is something we take very seriously, and we're intent on pursuing.

QUESTION: You suspended them, but you got them back in the program. They're still in business today.

ANSWER: NAS is a national organization. There are a number of affiliates, as we pointed out. We're monitoring their activity. We're in contact with all the national organizations they have affiliated.

QUESTION: Are you satisfied with what they're doing?

ANSWER: We are more satisfied. We're going to keep a close watch over them.

QUESTION: What's changed?

ANSWER: Well, under the settlement they have to undertake closer monitoring and secure answers, and make sure the grading is done elsewhere. They're on the line now, and they know that if there's anything further they run the real risk of being out of this business altogether.

QUESTION: How often do INS inspectors go into their headquarters and so on and look over their documents?

ANSWER: I don't know that information. You'll have to ask the folks in Florida?

QUESTION: Do they ever go there?

ANSWER: We have sent several members recently from headquarters that installs an on-site inspection program which we started up.

QUESTION: It hasn't started yet?

ANSWER: No, but the local districts have always had the authority to have spot-checks from time to time. I can't tell you the districts or the places they've gone, but that has happened in the past.

QUESTION: A former employee has told us that when she worked there she regularly saw tests --

ANSWER: A former employee of INS or of NAS?

QUESTION: Of NAS. She told us that she had regularly seen tests where all the sentences in English were written in the same hand.

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ANSWER: Well, that's exactly -- I mean, one of the –

QUESTION: And she told her superiors and told (inaudible).

ANSWER: Her superiors at NAS?

QUESTION: Yes.

ANSWER: In the national organization.

QUESTION: In the national organization.

ANSWER: Well, I mean, that is obviously – we knew – what we have now put into the monitoring system is a requirement that there be outside scoring, scoring outside the test, affiliate test-giver so that those kinds of comparisons can be made, and I believe in one of the criminal cases that was relevant information, the handwriting was the same, that obviously she raised good points.

QUESTION: She also said during the time that NAS was under suspension they were receiving behind-the- scenes help from an official of INS, a Government official.

ANSWER: I have no knowledge of that either way.

QUESTION: Who was Skip Tollason?

ANSWER: Skip Tollason was someone who up until March –

QUESTION: He described to us that he was sort of a point man in this program.

ANSWER: He was one of the people, as I understand it – I'm not fully aware of how that unit worked, but he was one of the people who was in contact with the outside organizations and reviewed their applications.

QUESTION: Was it his job to help them get around suspension, to give them legal advice?

ANSWER: No.

QUESTION: To pass on documents from the INS to them?

ANSWER: No, it was not.

QUESTION: If he did that, would that be in violation of anything?

ANSWER: I don't know that getting around the suspension means you're giving legal advice. I should say that I really don't feel very comfortable in commenting more, because there is an ongoing investigation involving a former employee.

QUESTION: Do you know where Mr. Tollason works now?

ANSWER: I believe he's working with NAS now.

(Pause.)

QUESTION: Do you know where Mr. Tollason works now?

ANSWER: Mr. Tollason left the INS, and I believe he's now running one of

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the affiliates that's associated with NAS, and that's part of the ongoing investigation we have.

QUESTION: What would be wrong with that?

ANSWER: Well, there are rules in Government about working on matters that one has worked on in one's job in particular situations.

(Pause.)

QUESTION: Do you know where Mr. Tollason is working now?

ANSWER: I think Mr. Tollason left in March of this year, and I believe he's now working at one of the affiliates of NAS, which is part of the ongoing investigation situation. I don't feel comfortable commenting beyond that.

QUESTION: What would there be about that that you would want to investigate?

ANSWER: Well, in certain circumstances it's not permitted under Federal law to work on matters that one had a direct interest in when working in the Federal Government.

QUESTION: According to the former employee of INS who we talked with, he was almost on a daily basis spending hours and hours on the phone with NAS top man Paul Roberts, during the time of the suspension, saying hang in there, we're going to get you through this, don't you worry.

Now, how could it be that on the one hand the INS is investigating and has suspended this firm, and yet Tollason is apparently on the phone offering encouragement and trying to find a way to get around this?

ANSWER: Well, these are things that are under investigation, and as I say, I don't feel comfortable commenting on them.

QUESTION: Is that troubling to you?

ANSWER: It depends on what was being said, but yes, it could be troubling.

QUESTION: Do you know the name of the place he works at now? Here are his business cards. Now, one day he was a senior INS official, and then the next day he's a corporate officer.

ANSWER: Well, yes, we're troubled by this. The name of his new organization is Citizenship USA, which is also the name of the Commissioner's program for promoting naturalization, and it was the fact that we received his business card that sparked our initial inquiry into whether this was appropriate behavior by a former employee, so we are taking a look at this quite closely.

QUESTION: How could someone tell the difference between the Government Citizenship USA and the for-profit company run by Paul Roberts and Skip Tollason, Citizenship USA?

ANSWER: Well, I think that's a real problem, and that's why we've got the general counsel's office taking a look at it.

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QUESTION: Are you convinced that you acted appropriately in taking him off suspension, given the fact that Tollason as an INS official was involved in trying to help them?

ANSWER: Well, I think those are two separate issues. Whether or not Tollason's actions with NAS were appropriate, we are taking a look at now. Whether or not they should have come back off suspension is a question of whether they can reassure us that they are now conducting their business in an appropriate fashion, and that we are doing an ongoing monitoring off and will continue to do so.

QUESTION: They came off suspension in December of last year, and have they acted differently since?

ANSWER: They have. They have – because we have required them to come forward with a plan as to how they will monitor this, under this plan they have already dismissed a number of their affiliates. We view that as progress.

QUESTION: How many?

ANSWER: I'm not sure that I'm – several.

QUESTION: Several. For any particular reason?

ANSWER: I think a range of reasons. I can get you further information. I don't have it in front of me, but it includes things like indiscretions in the testing as well as perhaps overscheduling the number of interviews. I don't know the specifics, but it's a range of issues.

QUESTION: In February and March of this year, according to the former employee, tests where there was apparent cheating were being passed. All 200 people from one place in California had similar handwriting on the English sentence, and she was told by her superiors, vice presidents of NAS, to go ahead, pass everybody.

ANSWER: Well, the first thing is, I would urge that person to come forward, because if those people are committing fraud, serious fraud, we want to know about it and we want to stop it, and we'd like information from the employee, from outside groups who know anything about this. We will take action.

We convicted five people in Hawaii in the last month on this. We will take strong action.

But secondly, it's important to remember here that simply passing the citizenship test does not guarantee someone citizenship. That person must still come before an INS examiner, and if that person cannot speak English, understand English, or in any way appears that the application is not in order, he or she will not be granted U.S. citizenship.

QUESTION: The former employer told us that some of the NAS affiliates had friends who were on immigration inspections in California and passed through people –

ANSWER: Again, those are allegations, that is a very serious charge,

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corruption of INS examiners. If that is true, we will take very strong action against them.

QUESTION: Why is that important?

ANSWER: It is important that people that comply with the law, that our officers comply with the law, that people meet the requirements of citizenship in order to be entitled to U.S. citizenship. That's the Federal statute, and that's the agency policy.

QUESTION: In giving that test, do the affiliates of NAS or any place else, do they assume a sort of governmental power, and are they held to a certain standard under the law?

ANSWER: They don't assume a certain power. They're not acting as Government agents. They're acting as private contractors, and again, I have to keep stressing this, the mere passing of the test does not endow them with citizenship. It's merely one of many prerequisites to attaining citizenship.

They are not Government agents, but they are still subject to the rules. Whether or not they can continue to give tests on behalf, they have to meet our requirements, and if they are participating in fraud on a Government official or corrupting public officials they are subject to Federal criminal statutes.

QUESTION: Is cheating on the test a violation of Federal law?

ANSWER: Cheating on the test -- do that again. Actually, I'm not -- it's a technical question. I'm not sure I know the answer. Do you want the real answer, or do you want me to --

QUESTION: What is -- what do you -- let's talk for a second.

(Pause.)

QUESTION: Is cheating on the test a violation of Federal law?

ANSWER: If a person cheated on the test and did not satisfy the civics test, then they are not eligible for citizenship, and if they were naturalized based on the cheating, then they couldn't be naturalized and that would be a violation of citizenship law.

QUESTION: How about from the point of view of NAS, or any other places chosen to give the tests? If there's a pattern of cheating which they ignore for some reason or another -- to make some money -- is that a violation of Federal law?

ANSWER: Well, it would certainly be a violation of our understanding and they would be terminated from acting on our behalf in terms of giving the test. There may be other violations we could speak to the U.S. Attorney about in terms of mail fraud or other kinds of claims of defrauding a Federal agency.

QUESTION: People involved NAS in Hawaii have been convicted.

ANSWER: Yes.

QUESTION: There were serious allegations in Minneapolis. Yet NAS is still in business. Why?

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ANSWER: Well, we -- as I said, we've entered into a monitoring agreement with NAS. They terminated some of their affiliates. They have made -- to this point taken steps we think do not require a total termination.

QUESTION: You're satisfied as to how they're performing now?

ANSWER: Based on the information we have in front of us at this point we do not have grounds for a total termination, but we are watching them closely, and if further things come to light we will not hesitate to suspend them again or terminate our relationship with them again.

QUESTION: Could I show you a piece of tape that we made undercover of NAS affiliates?

ANSWER: Sure.

(Pause.)

QUESTION: This tape was made after the agreement you made with NAS when they said they were going to clean up their act at a place they had been told by their employees had (inaudible). Take a look and see.

This is the Dallas -- it's called Spanish Business Center. They classed the test, English citizenship.

Just holding it there a second. Do you think you can teach American history and English in a few hours?

ANSWER: No, you obviously can't teach it in a few hours. What you can do, hopefully, is to give a refresher course to people about things they should have gathered over 5 years of residency.

VOICE: (on tape) All day today we're going to review the exam. We're going to see everything that's going to be in the exam. The exam consists of 22 questions. Two of the questions are going to be two sentences in English, which I'm going to dictate to you, and the rest of the questions are going to be multiple choice questions. You will see the question, and then you will see four answers so that you can underline the correct answer, and -- are the questions going to be in English or Spanish? All of the questions are in English.

I don't know any English. You don't know any at all? Oh, you do know some. Well, in other words, today we are going to see all of the questions that will be in the exam.

Everything we're going to review today -- for example, how many stars does the flag have, 50, all of that will be in the exam in English. In other words, we're going to see -- what we're going to see today will be in the exam. It's not that I'm going to give you any surprise questions.

QUESTION: There's a woman that says she knows no English. She's there to take a class, and take the test. Can that be?

ANSWER: Well, it can be if the affiliate is basically stealing people's money here by taking someone who knows no English, because that person will not get through the INS interview.

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Remember, there's an interview to follow here by the Immigration Service, and people have to pass the spoken English test, and if it's clear from the questions that the interviewer is asking the person cannot speak English, and does not understand English, then clearly they couldn't have passed the civics test appropriately and we would be very troubled by that event, and the person would not be naturalized on that basis.

So I view that as a defrauding event. It's a consumer's right to a fair test, and at that point it seems to me that that person should be told that they're unlikely to be able to qualify for citizenship.

QUESTION: That didn't happen.

ANSWER: That's a problem.

QUESTION: What does it say about this operation?

ANSWER: There are problems, and we would like to investigate what's going on and take steps.

VOICE: (on tape) Some sentences that I'm going to dictate to you in English will come from these three, okay. I'm going to take words from each of these sentences, and I will create two new sentences, okay, so then the first thing we're going to do is, you are going to write these sentences on one sheet of paper, and later we are going to go over these in full.

Over one side we're going to take this sentence,

and we're going to write it over on the whole page.

The hat is new. Which is the word for hat? The hat is new.

Okay, and the last sentence is -- okay, you don't need to know the translation, but you need to know how it's written, basically.

Basically, the new sentences that I will dictate to you will come from these three, yes. In other words, they're going to be dictated, in other words, right? They're going to be dictated, okay. They will be dictated, and they will come from these three. There will be no new surprise words. They will be dictated.

After the break we'll start the exam, okay? As soon as the exam starts, the first thing I will do is dictate the two sentences.

QUESTION: Is that the kind of thing that you envisioned when you (inaudible)?

ANSWER: No, it's not.

QUESTION: What's wrong with it?

ANSWER: Well, the test has to be more than giving people three or four things to memorize, taking a 5-minute break and then asking them to put it back down on paper. It should show some basic knowledge of our history, our Government, our form of life, and our language, and I don't think -- at least from the bit you've shown me there; it doesn't seem that that process is being served by this kind of activity.

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QUESTION: And yet, as you may or may not know, they advertise that they are fully authorized by the Federal Government, by the Immigration and Naturalization Service, to represent themselves as extensions of you.

ANSWER: They do at the moment, and this is why we have undertaken additional monitoring, and very important here --

QUESTION: This is after NAS --

ANSWER: Let me finish my sentence if I could, please. We are in the middle of a full-scale review of our outside entities and the process for certifying them. We're looking at a range of options, from the INS doing all these tests themselves to going only to non-profit agencies, to looking at other kinds of arrangements where the districts will be directly responsible for it, to looking at the local level. We are in the middle of a wide-scale review of this, and it should be reaching its conclusions shortly.

QUESTION: But while you do that there are thousands of these tests being given every week.

ANSWER: Again --

QUESTION: People are paying $300, $400 for these tests.

ANSWER: Again, all these people are tested again before an INS officer when they come to the INS, so people are not being naturalized who should not be naturalized.

QUESTION: But at the moment they have your official blessing. You've had questions about them, you've somehow resolved them, and they continue to operate.

ANSWER: We've resolved them for the moment based on the St. Paul experience.

QUESTION: This was after all that.

ANSWER: I'm saying, there was a St. Paul affiliate that we thought were not doing an adequate job. They terminated their relation with the affiliate, and when we get additional information about any other affiliate, and if the evidence warrants we will not hesitate to take strong action again.

QUESTION: Let's take another look here at more of the test.

VOICE: The Civil War began in 1861, okay. You don't have to worry about that one. That won't come up, okay. That one won't come up.

QUESTION: How could he know that without seeing the test?

ANSWER: Well, it's an inappropriate comment, of course.

QUESTION: And you don't hear much English.

ANSWER: No, you don't, but people can demonstrate their knowledge in other ways. I'm less troubled by that than I am by someone saying, here's a fact, but don't worry, it's not on the test. That's not a very good pedagogical technique.

QUESTION: What does it mean?

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ANSWER: It means that our tests should be testing knowledge, and the people should learn as much as they can about the country and not just (inaudible) in.

VOICE: Are there any questions?

Yes. If you don't pass the exam when the answer comes back from Immigration, we will help you in the next one again. For the next one, on the -- but until today, no one has not passed the exam. No one has passed it? No, everyone passed it. No one has not passed it.

QUESTION: A hundred percent successful.

ANSWER: Well, but what's interesting, if you heard him, he said, if the question comes back from Immigration and you haven't passed. He may be talking about his own pass rate. He's concerned --

QUESTION: I don't think so.

ANSWER: But he's concerned about what the Immigration Service will say when that person gets to the Immigration Service.

QUESTION: Do you know the success rate of NAS?

ANSWER: The success rate at NAS is not far off the success rate of the other organizations or from the INS when it gives this test. They're all 80 to 90 percent.

QUESTION: Ninety-three percent. Remarkable, isn't it?

ANSWER: Well, actually, as I said, it's fairly comparable to INS success rates, which are about 90 percent, and in other testing agencies, which range from the eighties to the nineties as well, so it's not that out of the ordinary.

QUESTION: They advertise on radio in Dallas, guarantee you pass the test. Is that appropriate?

ANSWER: Well, I think I prefer that they advertise that they give the test.

QUESTION: Right, and of course, they always add that they're officially approved by the Immigration and Naturalization Service. Doesn't that bother you?

ANSWER: Well, I think one of the things that we're looking at in this regulatory review is whether we should be working with nonprofits, for-profits, whether we should be doing all the testing ourselves, all that will come up in a very thorough review to make sure we've got the most secure testing situation, that really makes sure that people who want and deserve citizenship get it.

QUESTION: There's a bit more here of the test again.

VOICE: Okay, because it's against the law to speak in Spanish once the test starts. In English, try to ask me as much as you can in English, and if you can't, well then, ask in Spanish, okay, and raise your hand and I'll come to you.

QUESTION: It is the law, right, it must be given in English?

ANSWER: The test has to be given. I didn't understand his statement that the class could not be given --

QUESTION: He's talking about giving the test.

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ANSWER: The test must be given in English, yes.

QUESTION: So without any Spanish spoken.

ANSWER: It depends what the question is, but if it's a question about the question and the answer's in Spanish, that probably is not appropriate.

VOICE: Okay, turn the test over, okay. Open the exam. On the right side, aha, lower right, you'll see two numbers, 1 and 2. They are black, okay. That's the two sentences, okay. Now you're going to dictate them? That's what I'm going to do, dictate them.

The first sentence:

VOICE 2: The hat has a rose on it.

VOICE: I will repeat the first one, okay.

VOICE 2: The hat has a rose on it.

VOICE: I will repeat it again.

VOICE 2: The hat has a rose on it.

VOICE: Once again.

VOICE 2: The hat has a rose on it.

QUESTION: Is that how an INS inspector would give the test?

ANSWER: No, it's not, and be aware again that when a person comes in they will be tested --

QUESTION: In terms of this test?

ANSWER: -- on spoken English. No, we would not give a test on --

QUESTION: (Inaudible.)

ANSWER: It would be a fairly simple declarative statement, but it wouldn't be repeated, I don't believe, as slowly or as many times.

QUESTION: Now I finally want to show you what went on in the multiple choice section of the test.

(Pause.)

QUESTION: What do you think of that?

ANSWER: Well, that's absolutely inappropriate and unacceptable, and we'll take action based on this case. I'm glad you brought it to our attention.

QUESTION: Is there any reason he should be pointing out anything on that test, whispering like that?

ANSWER: There's certainly no reason to be giving answers.

QUESTION: Anything else, any other possible interpretation?

ANSWER: It's hard to imagine a good interpretation. I'd be interested in what he said he was doing. We can't jump to conclusions quickly, but if he is giving answers that is not permitted. It's inappropriate, it's a breach of our agreement, and it's -- I don't know if it's criminally defrauding the country, but it's certainly

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defrauding the importance that we attach to the test and to citizenship.

QUESTION: This is an affiliate, a big one, of NAS. You've had problems in Hawaii, in Minneapolis, and now we're showing you this. Why are they still in business?

ANSWER: Well, we can't be everywhere at all times. We have actually done some spot-checks in Dallas, as a matter of fact.

QUESTION: At this place?

ANSWER: I don't know whether this place or not, but we have done a tightening of procedures. As I keep saying, we're undergoing a thorough review of this procedure, the whole thing.

QUESTION: I know you keep saying that, but thousands of these tests are being given every week by NAS affiliates around the country. Doesn't that trouble you?

ANSWER: It troubles me. It troubles me to see something like this. It troubles me. We've taken concrete action, gotten convictions, we've suspended them --

QUESTION: But they're still in business. They're making lots of money.

ANSWER: They're making money. There are also many people who are going through their tests in a perfectly appropriate fashion. The majority of the million people that were naturalized in this country this year have played by all the rules. They're entitled to citizenship.

QUESTION: Isn't that all the more reason to stop operations that cheat on the whole concept?

ANSWER: Absolutely. Absolutely.

QUESTION: But they're still in business. You haven't done that.

ANSWER: We question the actions of the local affiliates, not of the overall agency. We have --

QUESTION: The overall agency is aware of this if they have been told by employees they were cheating and they were told to ignore it. They're making $20 every time somebody takes one of those tests. They're making millions of dollars off of this. Why are these people still in business?

ANSWER: This is information to us, more information, and we'll take appropriate action based on the information we receive and develop.

QUESTION: How much more do you have to know? You've had the problem in Hawaii, criminal convictions, you had the allegations in Minneapolis, one of your own employees helping them out, going in business with them the day he left Government. Doesn't that raise enough red flags?

ANSWER: It raises red flags that we will take very seriously and we will take a close, hard look at now again. You can't prejudge. You have to give people a chance to explain what's going on, but this is significant evidence; these are

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troubling consequences, and I believe we will pursue it.

QUESTION: I take it this is not at all what you had in mind when you went down this road with a change in policy.

ANSWER: No, of course not. Of course not. No one wants questions to be given away. No one wants anyone naturalized or even to come to an INS office (inaudible) a process that shouldn't be taken. That's not appropriate.

QUESTION: We talked before at the beginning of the interview about that emotional moment of citizenship. Most people -- and we've met them, too, have gone out there and studied night and day and they've been in those classes, and they've squeezed in two jobs, and they've gone to school, and they really learn what the Constitution stands for. When you contrast that with what we showed you today, how do you feel about that?

ANSWER: Well, I feel two ways. I feel very troubled by an agency that is making money from people that they should not be, although ask the applicants themselves --

(End side 1.)

QUESTION: Doesn't the whole thing blow your mind? Doesn't it raise questions about whether this is the appropriate policy?

ANSWER: It certainly does, which is why we've got a very serious policy review underway, and they'll be announcing results a month ahead.

QUESTION: It's been going on for months.

ANSWER: We've taken strong action in the past months. We've gotten criminal convictions, we've suspended affiliates, they've suspended additional affiliates --

QUESTION: Even after that, we found this going on in Dallas.

ANSWER: There will be instances like this. There will always be instances like this. It's our job --

QUESTION: How can you believe it when they say --

ANSWER: -- to do something about them.

QUESTION: Have they really cleaned up their act at NAS if this is going on?

ANSWER: This is something we will pursue quickly and effectively.

(End interview.)

JAN 3 1995

CO 1285[illegible]

8.

Subject	Date
Proposal on Naturalization Interview Waiver Pilot	DEC 28 1994

To Management Team

From Office of Policy and Planning

In the interest of a broad-based management review and decision process, attached for consideration is a multi-part proposal for waiving naturalization interviews for selected groups of applicants. The proposal emanates from a June 1994 survey conducted by a naturalization work group. The Commissioner has requested that the group's recommendations be reviewed by managers and discussed at the Executive Staff level.

Because the proposal is multi-faceted and derived from a longer report, reviewers are encouraged to refer to the attachments which accompany the proposal. Having done so, you are asked for your views and comments on the items found on the check list.

Responses are due to the Office of Policy and Planning by January 6, as HQOPP will be coordinating comments for the Executive Staff. All District Directors and Chief Patrol Agents should provide an information copy of their response to their respective Regional Director. Based on comments received, a decision package will be presented to the Executive Staff for action in early February. If you have any questions regarding the issues presented in the submission, please contact Skip Tollifson, Adjudications (202-514-0597; fax 202-514-0198); if you have questions regarding this process, please contact Walt Wondolowski, HQOPP (202-616-7771; fax 202-514-9718).

Robert L. Bach
Executive Associate Commissioner

Attachments

DIDDP____ DICOU____
DIEXM____ [illegible]____
DIINV____ [illegible]____
DIMGM____ CONS____

Form G-2
(Rev. 1-2-80)

8.

EDIT PROPOSAL
(Response Form)

SUBJECT: BENEFITS-RELATED NATURALIZATION INTERVIEW WAIVER PILOT

Please provide your response and return to the Office of Policy and Planning at Headquarters no later than December 30, 1994.

Office of Policy and Planning: Room 6042; FAX 202-514-9718

Working Group Recommendations

1. Establish a waiver of the naturalization interview for all applicants who are under 18 years of age, both at the time of application and the date of admission to citizenship.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

2. Establish a waiver of the naturalization interview of all applicants over 65 years of age on the date of filing for naturalization and who on that date have lived in the U.S. at least 20 years subsequent to a lawful admission for permanent residence.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

3. Establish a waiver of the naturalization interview of all applicants over 50 years of age on the date of filing for naturalization and who on that date have lived in the U.S. at least 20 years subsequent to a lawful admission for permanent residence, AND who have passed a standardized test administered by an authorized entity IN ANY LANGUAGE which demonstrates their knowledge of U.S. history and government.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

4. Establish a waiver of the naturalization interview of all applicants over 55 years of age on the date of filing for naturalization and who on that date have lived in the U.S. at least 15 years subsequent to a lawful admission for permanent residence, AND who have passed a standardized test administered by an authorized entity IN ANY LANGUAGE which demonstrates their knowledge of U.S. history and government.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

8

5. Establish a waiver of the naturalization interview of all applicants who have passed a complete standardized citizenship test conducted in the English language administered by an authorized entity for persons who can speak English using ordinary words in everyday usage to be verified at time of appearance.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

6. Establish a waiver of the naturalization interview for all applicants within the purview of P.L. 103-416 as it relates to persons who are physically or developmentally disabled or mentally impaired as is related to naturalization eligibility and who have been so certified by an INS designated civil surgeon.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

7. Establish a waiver of the naturalization interview of all applicants who entered the U.S. prior to reaching the age of 16 years and who were graduated from an accredited U.S. high school.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

8. Establish a waiver of the naturalization interview of all persons who have completed at least four years of college study and hold a baccalaureate degree or higher and who presently are employed as members of a profession, as that term is defined for immigration purposes.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

9. Establish a waiver of the naturalization interview for all persons who have completed an INS approved Adult Education Course and have attached to their applications an acceptable Certificate of Completion.

*Agree*____ *Disagree*____ *Comments*✓ *(See Attached)*

8.

10. Recommended Strategy: Encourage all districts to participate in the full waiver interview pilot program. Localize control and responsibility to encourage field officers to perceive the pilot as a personal agenda item of the District Director rather than a nebulous goal of Headquarters.

*Agree*___ *Disagree*___ *Comments* ✓ *(See Attached)*

Name: Cathy Shuler, A/ADDE Date: January 18, 1995

Organization: DOJ/INS Examinations

Phone # (214) 655-3049 FAX # (214) 655-3032

9.

Executive Synopsis of

Results in 30 Days: Re-Engineering the Naturalization Process

The Naturalization Re-Engineering Team,
May 1995

PRC, Inc. under contract to Immigration and Naturalization Service

NATURALIZATION RE-ENGINEERING

9.

As you are aware, Commissioner Meissner has established naturalization as a Service priority. To meet this goal, we must review current processes to increase efficiency, improve customer service, and ensure the integrity of the process. The Service decision is to proceed with a course of action that incorporates Business Process Re-engineering (BPR) as a vehicle to fundamental rethinking and radical redesign of our naturalization processes in order to bring about improvements needed to respond to the increased demand for naturalization.

The goal of BPR is to improve the integrity of the naturalization process, while at the same time improving the service we give to our customers, both the applicants and the American public. Integrity in this process is achieved by making the right decisions, utilizing appropriate resources to meet the demands, and completing the work within established time lines.

The main point of the re-engineering effort outlined in the attached summary is that the Service needs to better utilize its resources. One of the most time consuming parts of the process is the interview. To better serve the public while allowing better use of an adjudicator's time, the report proposes use of an "Expanded Examination Process", which will allow the adjudicator a way to determine the scope of the interview needed. This concept, will be tested at the Los Angeles Re-engineering Pilot. Other areas stressed in the report include an expansion of outside testing for Section 312 requirements, and a greater reliance on community based organizations to assist applicants with information and form preparation, and to assist the Service with logistics at final hearings. The report also recommends the use of Service Centers for data entry, and contractor support for records functions. Some regulations and policy will change. This is consistent with our goal to stop over-regulating and to conduct most of our business through Operation Instructions and handbook which can more readily be revised to accommodate change.

Even with the recent reprogramming and the resources it will bring, the naturalization receipts (900,000 projected for FY 95) still require that we improve our process if we are to achieve a reasonable processing time, and confer a timely adjudication while improving integrity in the decision-making process.

The BPR report includes short and long term proposals. Some of these proposals we may adopt, while we may defer others, or determine they are not appropriate. Areas to be addressed in the long term by the BPR initiative include whether we should seek a law change to replace citizenship certificates with some other documentation, and reduction of cycle time by eliminating functions that do not add value to our work product.

These recommendations represent a fundamental change in the way we go about the business of naturalization. To assist with the planning decisions of this project, please review the summary report and share your comments.

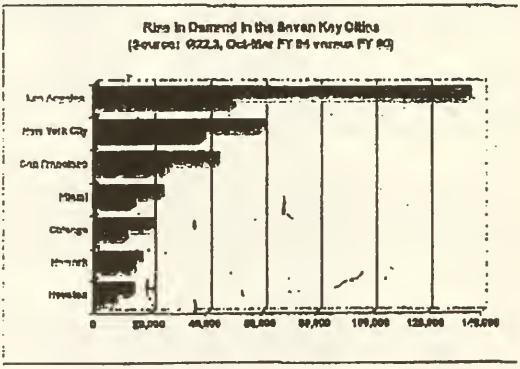
9.

Executive Synopsis of "Re-Engineering the Naturalization Process"

Background

Compelling Case for Change

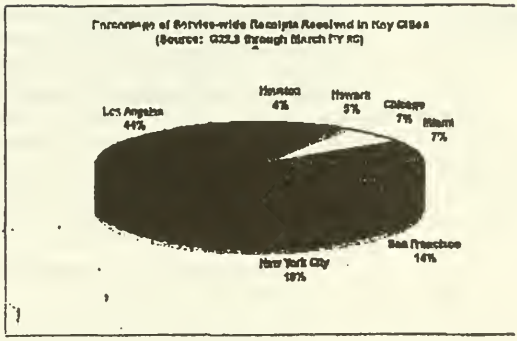
Recent events are dramatically changing the importance and urgency of attaining citizenship. The stimulus of the green card replacement program, the increase in the number of individuals made eligible for naturalization because of the legalization program, the passage of California's Proposition 187, and the draft welfare reform legislation are causing naturalization applications to spiral upwards in record numbers. At 134,489 receipts for the first six months of FY 95 (through March 1995), Los Angeles is experiencing a 176% increase over last year. Receipts of naturalization applications have increased by 141% in California, 100% in the seven key cities, and 83% Service-wide.[1] These receipt levels are expected to continue throughout the immigration debate that is dominating the country. They could even continue beyond should a re-engineered and more customer-friendly process prove as effective as anticipated.



Seventy percent of the nation's receipts are coming from seven key cities—Los Angeles, San Francisco, New York City, Miami, Chicago, Newark, and Houston. The state of California is clearly "off the scale" with 40% of the nation's N-400 receipts.

[1] Source: G22.3 report as of March 1995, which compares N-400 receipts for the first six months of FY 94 (blue bars) with the first six months of FY 95 (pink bars).

9.



Statistics for the number of backlogged ("pended") applications are equally bleak. Once again, California is a key target with 49% of the nation's pended cases. Up-to-date estimates for the size of the backlog in the Los Angles District Office range from 100,000 to 200,000. Service-wide there is a backlog of nearly 1,000,000 cases.

The naturalization customer is directly impacted by the tremendous backlog. According to recent AILA statistics, it can take up to 27 months on average to acquire citizenship in San Diego![2] According to the same report, it takes an average of 12-15 months to get an applicant through the process in Los Angeles, San Francisco, and Miami.

Taking Action

In response to this crisis, the Commissioner has declared this re-engineering initiative as a top priority, with the objective being to eliminate the backlogs and reduce the overall INS cycle time dramatically. The Commissioner and her Executive leaders realize that this crisis cannot be met with conventional solutions such as throwing more people at the problem. Therefore, they commissioned a team to completely re-engineer the entire naturalization process—from top to bottom.

[2] AILA "Report Card on INS Adjudications," March 1995.

9.

Redesigning the Naturalization Process

On April 1, in rapid response to the Commissioner's request, the Naturalization Re-Engineering Team commenced a 30-day "fast track" initiative. The team included representation from the New York, Newark, Los Angeles, Miami, Baltimore, Honolulu, and Chicago District Offices; the California and Nebraska Service Centers; one of the national unions; and HQ (Public Affairs, Examinations, and IRM). To ensure that the effort forced people to look for non-traditional solutions and to think "out of the box," professionals from PRC, Inc. were contracted to provide professional expertise. The team was facilitated by Business Process Re-Engineering and Change Management experts from PRC. Within four weeks' time, the group completed the following activities:

- Identified the "as is" naturalization process, including performance measures;
- Assessed the current process and current environment (people, technology, facilities, customer needs);
- Brainstormed a long term vision of naturalization;
- Brainstormed short term ("quick hits") actions that provide immediate benefit; and
- Defined an Implementation Plan to transition from the current environment towards progressive improvements and the ultimate vision.

The intangible results of the four week effort are as important; they include:

- Providing leadership and momentum;
- Achieving buy-in from a highly representative cross-section of INS representatives from the field, regions, and HQ;
- Transforming the way INS employees look at the naturalization mission and the way INS conducts its business; and
- Sowing the seeds of a new INS culture.

Exploring Partnership Options with Parallel Focus Groups

Simultaneous and integrated with the efforts of the BPR Team, the INS convened a team to look at the potential for dramatically increasing community involvement in the naturalization process. This team is led by a representative from the HQ Policy and Planning organization. On several occasions the Commissioner participated in this effort. The team visited key communities to work with Service Provider organizations (e.g., CBOs, NGOs, voluntary organizations, Community colleges) to identify capacity, regulatory, financial, legal, and relationship issues that need to be addressed. The results have been interwoven into the Re-Engineering team's work to produce a more comprehensive Implementation Plan.

9.

Diagnosis

In the course of assessing the current environment, the Naturalization Re-Engineering team looked objectively and realistically at the characteristics of INS management, behaviors and values, skill mixes, use of technology, and business practices. This assessment helps to identify the enablers and barriers that exist within the INS culture. The enablers will be useful levers that can be exploited to ensure that the implementation phase maintains momentum, generates excitement, and yields success. The barriers are key to understanding the kinds of issues that will have to be dealt with during the implementation phase. Another purpose of such an assessment is to "face reality." It is important that everyone take stock of the present cultural and environmental baseline, so that improvements can be measured objectively.

The following assessment is offered by PRC to provide an objective, external view of the INS [naturalization] culture and environment. It is intended to be used in a positive manner—as a platform upon which improvements can be carefully targeted and carefully planned. While one can always find exceptions to any generalized statement, we do see some prevailing trends:

Top management commitment is very strong and very visible

1) Top management commitment is very strong and very visible. The Commissioner is relentless and outspoken in her commitment to improving INS services and ensuring dignity and fairness for all future citizens. This is absolutely critical for success of the re-engineering effort.

   The Associate Commissioner of Examinations, his special assistant, and the Naturalization Branch Chief are excellent choices to carry this initiative forward, based on their strong leadership abilities. As best we can tell, INS has good Union leadership, and Union representatives are interested in partnering with INS to bring about positive changes. The Union provided a very knowledgeable representative to participate on the team.

A value system based on customer satisfaction is not presently built into naturalization work practices

2) A value system based on customer satisfaction is not presently built into naturalization work practices. Much like other government agencies, the INS has more of an internal than external focus. Internal INS employees—rather than the immigrant applicant—are often viewed as the customer.

9.

Performance appraisals, rewards, career ladders, and workgroup structures are presently internally focused to survive in the traditional government workplace. They are not designed to reward those who put customer satisfaction above all else; nor are they designed to reward innovation and effectiveness. Process performance measures are not designed from the customer's viewpoint. For example, the INS measures the number of applications they process, but does not have accurate measures of how long an applicant waits from the time they submit their application to the time they are sworn in.

There is a tremendous untapped opportunity to involve outside partners

3) INS personnel have yet to fully tap community resources to play a more active role in the naturalization process. INS personnel often see Service Providers as too demanding, and as adversaries instead of as colleagues who share a common goal of serving the immigrant customer. Distinctions between experienced, high-quality Service Providers and exploitative "immigration consultants" are rarely made.

The INS does not provide information to applicants or community based organizations in a timely and useful way. While a few District Directors and INS staff have developed effective working relationships with certain Service Providers, there is little overall guidance or leadership in this area, and not much understanding of the strategic benefits of building alliances.

The naturalization process is based on outdated work practices—fragmented tasks, excessive hand-offs and queues, duplicate data entry, duplicate checking, aging technology

4) The naturalization process is based on outdated work practices. During the 1930's Frederick Taylor promoted the assembly line approach to expedite mass manufacturing. This resulted in deeply fragmented tasks where each "station" specializes in some minute aspect of the overall task. We observed the same type of task fragmentation at the INS District Offices and Service Centers. While this high degree of job specialization provided obvious benefits for manufacturers in the 1930's, there are several disadvantages to applying this approach to a service-oriented process such as naturalization.

9.

First, and most important, is the inherent impact on the customer. No individual employee is responsible for ensuring customer satisfaction in this model. Our review of INS Customer Satisfaction Survey results indicated a high percentage of customers whose main complaint is that their application becomes lost in the system and no one knows where it is. Furthermore, it takes an inordinate amount of time to "get back in line." Our team was not able to find evidence that all applications are tracked anywhere within the INS to make sure that they are eventually processed and accounted for.

The second disadvantage is that highly fragmented and compartmentalized tasks lead to a high number of hand-offs (where work is passed from one individual to another) and queues (where work is piled up waiting for someone to process it). We learned of instances where applications are placed in mail crates that are moved as many as 10 times before their processing is completed.

Aging technology precludes many of the efficiencies that modern day businesses have taken advantage of for the last 10 years. The naturalization process is still very paper-intensive, with little automated error detection and correction to take the place of duplicate and triplicate checking of information. Multiple, non-integrated legacy systems require duplicate entry of the same information (e.g., CLAIMS; NACS, CIS, RAFACS, FBI and Military information request).

A 78-minute process is taking 12-15 months elapsed time

5) A 78-minute process is taking as long as 12-15 months elapsed time.[3] Our team added up the cycle time for performing each of the steps of the naturalization process. It is startling to realize that the actual processing time (exclusive of the 60 day wait for FBI responses and the 45 day "due diligence" period for A-file searches) is less than two hours. As dramatic as this may sound, the INS cannot continue to conduct business this way if they are to keep up with the projected demand.

[3] Details of the 78-minute cycle time are provided in our report entitled "Results in 30 Days: Re-Engineering the Naturalization Process," dated May 1995. Cycle times cited here do not include the 60-day wait for record checks or the 45-day "due diligence" period. The intent of these cycle times is to measure ACTUAL processing time—therefore, they do not include waiting times in queues or hand-off times.

9.

Employees in the field and at HQ are eager for change

6) The employees that we were exposed to in the field and at HQ are eager for change. This was very much in evidence as the Re-Engineering Team conducted site visits to work with staff from the LA District Office and California Service Center. Similarly (during Focus Group visits) Service Providers in LA, Chicago, and New York expressed a strong interest in expanding their role in the naturalization process. These organizations have considerable expertise to offer.

Naturalization in the Year 2000

The Re-Engineering team conducted extensive "brainstorming" sessions to explore creative and innovative ideas for dramatically improving the way the INS conducts its business. The project teams' vision of naturalization turns today's paradigm inside-out—the dignity of the applicant will be foremost in the minds of those who assist them with the naturalization process.

A New Paradigm

The legal standards for naturalization will be maintained, but the operational procedures will be revised to provide customer-oriented, timely, consistent, and predictable service. Applicants will be given choices about where and how they wish to get help completing their forms, when and how they wish to be sworn-in, and whether or not they wish to have a formal certificate of citizenship.

All applicants will continue to be examined, however the number of applicants examined in a one-on-one interview will decrease dramatically. Individuals who have been formally educated in this country (high school or college) will not be subjected to English and Civics tests. Long-standing interpretations of eligibility laws and regulations will be reviewed to support the re-engineering initiative, which is focused upon meeting the demands of today's eligible customers.

Most importantly, the cycle time from submission (to the INS) to approval will be reduced to "same day service" for 80% of the applicants.

10.

U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 Eye Street N.W.
Washington, D.C. 20536

JAN 26 [illegible]

Mr. Robert Diegelman
Director, Justice Performance Review
U.S. Department of Justice
12th and Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Mr. Diegelman:

The purpose of this letter is to request your assistance in establishing a current Immigration and Naturalization Service initiative--the re-engineering of the naturalization process--as a Reinvention Laboratory.

Naturalization, the last step an alien takes towards acquiring U.S. citizenship, is crucial not only to the individual who seeks it, but also to the integrity of our Nation. Recent developments have led to a significant increase in the number of lawful permanent residents seeking naturalization. It is estimated that the Service will nearly double the number of applications received this fiscal year (to 900,000) and will receive 800,000 applications per year in each of the next two fiscal years.

As you are aware, a team of 20 knowledgeable, experienced INS personnel from field offices, Regional Offices and Headquarters met recently for 4 weeks to examine the Service's naturalization processing from top to bottom. After careful analysis of each component of the process, the team presented a number of innovative ideas for improvement.

I would like to approach these recommendations in the context of a Reinvention Lab. The effort will first occur at about six sites over the next 12-18 months, expanding if these efforts prove successful. At these sites, INS will set new customer standards for service and present a new, customer-oriented way of processing naturalization applications. A lab appears well-suited for this kind of enterprise.

10.

As we await approval to establish the naturalization lab, we are drafting a charter, considering our team membership, and mapping out a business plan. The charter and team membership should be ready in the next several days.

Thank you for your assistance in this matter.

Sincerely

Doris Meissner

Doris Meissner
Commissioner

11.

NATURALIZATION MEETING
AUGUST 2, 1995

Attendees

Don Crocetti (HQEXM)
Mike Aytes (HQADN)
Tom Cook (HQADN)
Dave Rosenberg (HQOPP)

Immediate follow-up action items

1. Reinvention lab status.

   - check on status with DOJ and try to facilitate primarily due to facilities, contracting and procurement issues that warrant immediate exemption to creating policies, regulations etc.

2. Inter-program team.

   - Identify representatives from applicable programs.

3. Backlog plan worksheet.

   - Prepare to help identify key items necessary for development of backlog plans for each key city.

4. Backlog Project site managers.

   - Identify managers with needed skills and experience to be detailed to each key city to coordinate project.

5. Project Manager.

   - Prepare memo designating Dave Rosenberg as the Naturalization Re-Engineering Project Coordinator, reporting to Don.

   - Have Commissioner announce such at Key Cities Conference.

6. Backlog Plan.

   - Finalize, to include getting all data necessary to identify order of key city implementation and costs associated therewith.

11.

7. External personnel to support backlog project.

   - Identify means in which to determine who outside support will consist of, i.e., re-hired annuitant, temporary or term, new hires, and/or personnel detailed from other offices/regions.

8. Intermediate data entry. Resolve contract security clearance problem.

   - Clarify this process and get with HQIRM to determine whether there is any other alternative as this intermediate process requires ongoing oversight of permanent employees (labor intensive and costly).

9. NACS.

   - Pursue update from HQIRM. Field dislikes 2-month scheduling limitations and printing problems.

10. Direct Mail.

   - Determine schedule and site of expansion. Try to support backlog initiative for LOS, CHI, MIA and NYC.

   - Cost out addition of NYC.

11. Co-op Agreement.

   - Follow-up with HQCOU to determine if DOJ is now supporting so that we can make award ASAP. Also, get with HQOCR and HQOPA regarding announcement of such award and how we will deal with inquiries, educate Congress, etc.

12. Training.

   - Develop training plan aimed at providing on-site training.

13. Rosenberg Contract.

   - Get with Sandra Kopchik to find out what needs to be done to extend David's contract for coordination of Natz. project.

NOTE: Attendees and inter-program team will meet weekly throughout re-engineering initiative.

[Prepared by L.D. Crocetti, Jr. (HQEXM)

Memorandum

SEP 18 1995 12.

[redacted]

Subject	Date
Your Responses: Executive Synopsis, *Re-Engineering the Naturalization Process*	SEP 11 1995

To	From
Executive Associate Commissioner for Field Operations Regional Directors District Directors Service Center Directors	Office of the Commissioner

All of you have been addressing overwhelming increases in naturalization applications for at least the past nine months. For many, enormous pending numbers became a fact of life long before 1995.

Naturalization is a key priority for INS--both streamlining and better informing our customers about the process. Accordingly, during the Spring, PRC, an experienced management consulting firm with particular expertise in business process re-engineering, worked with a cadre of 20 INS staff representing both field and Headquarters. During a 6-week period they studied the naturalization process, focusing on these issues:

- Application processing essentials;
- Customer-friendly approaches;
- Processing efficiency measures;
- Role of technology;
- Potential for broader partnerships with service providers; and
- Other potential long-term reforms, i.e., a vision for naturalization processing in the future.

The result of these weeks of intense deliberation is a report entitled *Results in 30 Days: Re-Engineering the Naturalization Process*. Attached is the Executive Synopsis.

Please review it with your staffs and provide comments on the recommendations.

Because of the urgency of our current caseload, I have directed that the existing naturalization applications backlog be given the Service's most immediate attention. A Backlog Management Plan is now being prepared. It will target initially the largest problem spots--Los Angeles, Miami, New York, San Francisco,

12.

and Chicago. We will then apply the same stringent effort to all other Districts to ensure that their caseloads are efficiently processed. Wherever possible, we will use validated re-engineering techniques as outlined in the PRC report to attack the caseload.

My expectation is that over the next several years we will hone and streamline substantially our naturalization efforts. With the help of new technology and more sophisticated management techniques, we will improve our response to our growing citizenship-seeking customer base.

In responding to the Executive Synopsis of *Results in 30 Days: Re-Engineering the Naturalization Process*, please bear in mind that:

(1) we must all assume ownership over successful re-designing of the naturalization process;

(2) while the recommendations are only that, they offer a basic road map for change; and

(3) if your staffs have additional ideas for addressing our present system, please send them with your responses.

Responses should be forwarded through Regional Offices and sent to: Don Crocetti, Associate Commissioner for Examinations. If there are any questions, please call Tom Cook, Chief, Naturalization Special Projects, at 202-616-9007.

Please forward responses by Friday, October 6, 1995.

Doris Meissner

Doris Meissner
Commissioner

Attachment

)1] From: Richard R Kellner at ERO-MIA-002 9/21/95 1:01PM (2135 bytes: 1 ln)
riority: Urgent
): Thomas Cook at GroupWise, David E Rosenberg at HQ-007, Walter D Cadman at ERO-MIA-003, Valerie M Blake at ERO-MIA-003, Elaine D Watson at ERO-MIA-001, Mary Ellen Elwood at GroupWise, Alice J Smith at HQ-002, Lani A Camilli at ERO-002, Jeanne M Ray at ERO-002, Louis Crocetti at GroupWise
ubject: Naturalization Certificates

---------- Message Contents ----------

13.

ext item 1: Text_1

I just got off the phone with Trident St. Clair, a manager with UNICOR (PH: 606 - 255,3810) in Lexington, Ky. and generally inquired about UNICOR preparing naturalization certificates. She appeared to be very interested, and stated that she would pass the inquiry on to UNICOR headquarters. My general impression was that they would be eager to do the work - she even mentioned that they had completed previous work for INS (locator cards).

If we wanted to do this, I can see two potentially problem areas. The first would be how to do it. At the present time the certificates are prepared via the NACS system, and some people might not be comfortable with a direct data link to a federal prison. If that was a problem, possibly the data could be compiled on disc and then forwarded to them.

Secondly, and probably more difficult, would be the public relations aspect of having prisoners producing naturalization certificates. Ms. St. Clair wanted us to be aware that some of her employees are illegal aliens. Nevertheless, I see nothing impossible about this situation, and believe that we should immediately follow-up on this possibility.

Alice/Dave - Possibly you could check with the Commissioner and see if she has any problem with this idea. If not, we need to do it ASAP.

14.

[32] From: Walter D Cadman at ERO-MIA-003 11/15/95 4:08PM (3668 bytes: 1 ln)
Priority: Urgent
To: HQEXM USA.HQEXM USA POST OFFICE 1:LDCROCET at GroupWise
Receipt Requested
cc: Lani A Camilli at ERO-002, Carol D Chasse at ERO-002, Jeffrey M Weber at HQ-004, HQEXM USA.HQEXM USA POST OFFICE 1:AJQUARAN at GroupWise, HQEXM USA.HQEXM USA POST OFFICE 1:DEROSENB at GroupWise, HQEXM USA.HQEXM USA POST OFFICE 1:KRFRENCH at GroupWise, HQEXM USA.HQEXM USA POST OFFICE 1:MLAYTES at GroupWise, HQEXM USA.HQEXM USA POST OFFICE 1:TECOOK at GroupWise, Valerie M Blake, Richard R Kellner at ERO-MIA-002,' William Ring
Subject: Re: Furloughs - Citizenship USA -Reply
---------- Message Contents ----------

Too late! We had wanted to do exactly as you suggest: cross-code their paychecks out of the Exams fee account, but we were advised by Lani yesterday that the official word from HQ was "no go" with regard to the enforcement detailees to Miami's Citizenship U.S.A. We were given the latitude to call them in and advise them, either yesterday afternoon or first thing this morning. By the time we had gotten the word, they were mostly gone because our workday begins early here. So, they were called in first thing today, and turned around to their hotels to pack and depart.

The situation was further exacerbated by the fact that we also had enforcement officers from the district detailed into natz (immigration agents and special agents). The IAs were furloughed as nonessential, and the special agents were put back to street duty consistent with the definition of essential that came out of the department, with regard to protecting life and property and enforcing the law.

Needless to say, we're now screwed in terms of the stacks of interview schedules we had set out with them in mind. I don't know how we will keep up...the likelihood is that we will put other DAOs onto citizenship and let their own, usual work (e.g., 245a) suffer.

Reply Separator
Subject: Furloughs - Citizenship USA -Reply
Author: HQEXM USA.HQEXM USA POST OFFICE 1:LDCROCET at GroupWise
Date: 11/15/95 10:19 AM

Date: 11/15/1995 10:19 am (Wednesday)
From: Louis Crocetti
To: HQEXM CCGATE."Valerie M Blake at ERO-MIA-003"
CC: CCMAIL.ERO-MIA-003.Cadman Walter D, AJQUARAN, KRFRENCH, CCMAIL.HQ-004.Weber Jeffrey M, DEROSENB, MLAYTES, TECOOK, CCMAIL.ERO-002.Chasse Carol D, CCMAIL.ERO-002.Camilli Lani A
Subject: Furloughs - Citizenship USA -Reply

Valerie-Exams fee funded positions, are of course, exempt the furlough. Others, such as SAs, are not. David just informed me that there are a number of SAs detailed to Citizenship USA and they may have to be returned to their offices to be furloughed. I instructed David to get with
Jeff Weber (HQBUD) about the poseiblity of charging SAs to the Exams Fee Account. I fail to see how this wouldn't be legitimate given the fact it is the type of work they are doing. If this is a go, we simply have

14.

Author: Daniel P May at HQ-003
Date: 3/4/96 6:38 PM
Priority: Normal
TO: Petra M Miller at HQEUC
TO: Alan Shelton at HQEUC
Subject: Re[2]: Help me get Natz money for Citzenship USA
---------- Message Contents ----------

Our last estimates were $2.509 (including the $600K .x41 $$ spent late 95). They've been repeatedly shared w/ Dave F and MaryEllen Ellwood. I've evan approached Larry Bell for some $$ for CUSA. I have a document where Chris Sale 8/18/95 says "funding for much of this (CUSA) is authorized for FY96. Additional funding will be included in your 1996 exams budget proposal". The 12/95 "program implementation plan" talks about "Porvide ADP and other supporting resources to sites" containing an assumption"Funds will be available from appropriate sources to proceedw/ equip, infra, and install services"

I can't find anything that promises... only words like "much" and "appropriate". Dave told me back in Dec that there was nearly $5M in "the" budget for buildout, ADP, supplies, etc. Lets just stop til we get some reimbursement. That'll ge t someone's attn.

DAN

---------- Reply Separator ----------
Subject: Re: Help me get Natz money for Citzenship USA
Author: Alan Shelton at HQEUC
Date: 3/4/96 5:55 PM

DO NOT FORWARD
Am I dreaming again? Were you in the room when she told me there was a reprogramming of, I thought, $2.7 M that we could tap? Anyway don't stop putting together the figures. Let me know when you are close and I will go see Jeff Weber.

I keep getting the feeling that if anybody tells me anything, I should assume it's a joke or worse!

---------- Forward Header ----------
Subject: Re: Help me get Natz money for Citzenship USA
Author: Petra M Miller at HQEUC
Date: 3/4/96 5:27 PM

Alan --

Fernanda says the only money possibly available for repayment of the money we spent on Citizenship USA sites is Commissioner contingency funds or leftover money as the year winds down....

Petra

---------- Forward Header ----------
Subject: Re: Help me get Natz money for Citzenship USA

15.

From: Thomas Cook
To: CMQUIMBY, JDRASMUS
Date: 11/16/95 10:24am
Subject: FINGERPRINT CHECKS -Reply

>>>>>>>>>>>>>>>
I JUST TALKED TO DEBBIE FARMER OF RECORDS WHO BROUGHT DOWN THREE BOXES (PROBABLY 4000 RECORDS) OF FBI NAME CHECKS. SHE CAME TO ME AS THE CLOSEST THING WE SEEM TO HAVE TO A PERSON RESPONSIBLE FOR FBI RECORD CHECKS (WHICH I AM NOT).

IT TURNS OUT THAT THE FBI REPONSES TO RECORD CHECKS HAVE BEEN GOING TO TWO ADDRESSES. ONE IS C/O STELLA JARINA WHO PROMPTLY ROUTES THEM TO RENEE DESHAZOR. RENEE SORTS AND SENDS THE "HITS" TO THE APPROPRIATE OFFICE WHERE, IT IS HOPED, THEY ARRIVE IN TIME TO BE OF USE THE THE DAO.

THE SECOND ADDRESS IS "WORK STATION, RM 5037". WHICH IS RECORDS. DEBBIE BELIEVES, AS OF THIS MOMENT, THAT FOR THE LAST 8-10 YEARS THEY HAVE BEEN IMMEDIATELY BURNED. THIS MEANS THAT WE ARE ESSENTIALLY DESTROYING THE HITS ON 1/2 OF OUR NAME CHECKS (AT A COST OF PROBABLY $1,000,000 PER YEAR) AND NATURALIZING AN ASSORTMENT OF SCUM.

I SUGGESTED TO DEBBIE THAT SHE SHOULD BRING THE ISSUE TO YOU (TOM). sHE IS DRAFTING A REPORT FOR ADELE.

I EXCEEDED MY AUTHORITY AND CONTACTED THE FBI TO SEE IF I COULD TRACK THE SOURCE OF THE PROBLEM AND SUGGEST A SOLUTION. I FOUND THE PERSON BUT CAN'T GET THROUGH YET. SHE MAY BE FURLOUGHED. I'LL KEEP TRYING.

I REALLY THINK THAT THE WHOLE FINGERPRINT/NAME CHECK STRUCTURE NEEDS TO BE LOOKED AT. THERE IS NO FUNDAMENTAL INTEGRITY TO OUR PROCESS PLUS THESE GLITCHES KEEP POPPING UP.
<<<<<<<<<<<<<<<
Jack

Let me know if there is any problem getting the responses sent to one address. That is the first issue.

The second issue is per our conversation if you would follow up with the FBI to see if they will sort and mail to DO's the name check responses as they do the fingerprint responses.

David/Mary Ellen, FYI

Don/Mike - update - I have cc;ed you because at the last OIG "fix it" meeting Alex indicated INTEREST in ensuring that hits getting to the record be addressed. I am preparing a response to Ed Murphy on the OIG issue.

Tom

CC: LDCROCET, MLAYTES, DEROSEMS, MEELWOOD, EJMURPHY

MEMO
TO: Fernanda Young
FR: Mike Aytes
SUB: Request a sweep of NACS to allow scheduling of certain cases

16.

The Direct Mail of N-400 applications to service centers in the jurisdictions of Los Angeles, New York, Chicago and Miami began on February 1, 1996. The applications pending data entry at these districts were relocated to the respective service centers. The district office was instructed to strip the FD-258 fingerprint cards from the applications and forward them to the centers for processing. Policy instructions and standard operating procedures were provided to the district offices and service centers, and training on the data entry of N-400's into the automated system was provided to the centers.

A quality review of the transition recently disclosed that the service centers were not entering a "sent to the FBI" system notification indicating the FD-258 cards had been sent to the FBI in part due to the local office submission of cards to the FBI, and partly due to the initial confusion of implementing a new process. As soon as this was discovered, the centers initiated training and conducted audits to ensure all cards had been forwarded to the FBI. The caseload included new cases received and stripped at the centers and older cases that had been stripped at the districts and forwarded to the centers. The center directors and district office naturalization managers have affirmed that all cases received at the centers or sent to the centers from the districts were stripped and the cards forwarded to the FBI prior to data entry. The critical problem at hand is that these cases cannot be scheduled for interview due to the edit feature which precludes eligibility for interview if the system does not acknowledge that the fingerprint card was send to the FBI. Absent this system update to correct the situation, we would have to manually update approximately 84,000 records.

To permit these cases to be scheduled for interview at the district offices HQIRM is requested to run a system sweep and update the subject flag to "yes" on all N-400 applications entered into NACS from the four direct mail sites starting February 2, 1996, where the system notification indicates that the FD-258 was received but not updated that the card was sent to the FBI. To ensure the processing standards are maintained it is requested that a appropriate sample of cases be prepared on tape and that the FBI be requested to run the INS tape against their database to produce a list of matched cases received by the FBI to support our position that the cases have been forwarded to the FBI. It is also requested on a post audit basis that a tape of all cases be run against the FBI data based and the cases not matched will be audited to determine what appropriate action should be taken to ensure the integrity of the process is maintained.

This request is deemed to be within acceptable process integrity standards and is designated a priority by Programs and Field Operations as the four subject sites are nearing a crisis situation regarding eligible cases to be scheduled for interview. This results not only in lost production, but lost productive time of temporary employees and detailed staff on site to address the naturalization application backlogs.

If you have any questions please contact Thomas Cook, Chief Naturalization Branch, at 514-5014. This request is concurred with by HQ Field Operations.

Mike Aytes

17.

UNO *The United Neighborhood Organization of Chicago*

125 N. Halsted, Suite 203 - Chicago, IL 60661-2113 (312) 441-1300 Fax (312) 441-1496

President Bill Clinton
The White House
Washington D.C.

October 27, 1994

Dear President Clinton,

Thank you for your recent dinner invitation. I enjoyed talking with you, Bill Daley and Harold Ickes about the tremendous opportunity that naturalization represents. Following up on our conversation, I have enclosed a summary that reiterates the several points we discussed over the course of that evening.

The number of legal permanent residents that become eligible for citizenship over the next two years has the potential to make a large civic impact if those obstacles that hinder them from applying for citizenship can be overcome. The Chicago Model outlined in the enclosed document represents an easily replicated solution to this immigration issue.

The graph that I've also enclosed illustrates that the largest number of Amnesty applicants become eligible to apply in December of 1995. We have one year to streamline the naturalization process in order to accommodate these potential citizens. Implementation of a nationwide effort to naturalize permanent residents where they are most concentrated should begin no later than the first quarter of 1995. The opportunity to balance immigration policy and tackle the issue of naturalization in a proactive manner should not be overlooked.

Again thank you for the opportunity to meet with you and discuss this issue. Your interest is greatly appreciated. I look forward to your response.

Sincerely,

Daniel S. Solis
President/Executive Director

cc: Bill Daley
cc: Harold Ickes

17.

Naturalization Potential in 1995 and beyond

The Opportunity

By 1996 5.5 million legal permanent residents in the United States will be eligible for U.S. Citizenship. This number represents the largest number of eligible permanent residents under the tenure of one Administration.

Approximately 3.1 million of these people became permanent residents through the Immigration and Reform Control Act of 1986 (IRCA), also known as the Simpson-Mazzoli Law or the Amnesty Law. By their experience with the amnesty process, which employed a similar testing mechanism and standards as the naturalization process, these permanent residents need only fulfill the few, final requirements for citizenship, namely completion of the N-400 application and a final interview. The largest numbers of these legal permanent residents reside in a select grouping of urban areas:

- Chicago
- New York City
- Los Angeles
- Miami
- Texas: El Paso, San Antonio, Houston.

Of the additional 2.4 million people who received their permanent residency status through traditional channels, the majority are required to renew their Alien Registration Cards before the March deadline set by the INS. The cost and application to renew these cards are almost equal to the cost and application for naturalization. In our experience once their fears of the naturalization process are overcome, these residents forgo renewal and opt for citizenship.

An integrated campaign that targets this predominantly urban population has the potential to naturalize over a million new citizens.

Naturalization is a key issue in regard to the empowerment and stabilization of the immigrant populations in this country. Studies show that naturalized citizens are more apt to act in ways that generate positive growth in the economy, increase political activity, and support overall community development. Over 90% of naturalized citizens register to vote, a much higher rate than U.S. born citizens. Their record of increased civic participation is exemplary. The potential civic impact of these New Americans is great, but these people must become citizens before they become voters.

Recognizing this potential, UNO has focused its efforts primarily on naturalization, developing a program strategy aimed at addressing the issues that limit the rates of naturalization.

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The Obstacles

What is keeping these people from becoming citizens?

People are not invited into the process nor is the process inviting. We believe this situation results from policy drift and is not by design. The following obstacles limit naturalization potential:

- intimidation that stems from a common negative perception of the INS

  Previous immigrant groups were assisted by "mediating institutions," such as political organizations, unions, civic organizations, and churches. A greater collaborative effort existed between the INS and these institutions, and potential citizens were wooed into the "Americanization" process. In contemporary times, however, the INS is seen largely as an enforcement agency and in the experience of these permanent residents, something to be feared. Consequently few seek the assistance of the INS, although many desire citizenship.

- administrative delays at INS

  In our experience application processing through the INS can take up to a year. This delay is unnecessary. The current mechanism cannot adequately process the numbers of permanent residents that become eligible for citizenship each year. The perception of the service arm of the INS as an enforcement agency is supported by budget allocations toward naturalization. Currently the INS commits only 10% of its' annual budget to naturalization. Consequently, those that overcome fears of the INS and seek citizenship are thwarted at the administrative level.

The Chicago Model

The Midwest Regional Office of the INS, under the direction of Mr. A.D. Moyer, has developed an innovative strategy that challenges these issues.

The current outreach program for naturalization in Chicago has effectively changed the INS' image in the eyes of many permanent residents. The following points are key to its success.

- "Linea Abierta," the popular show on the leading Hispanic station Channel 44, was developed by Mr. Moyer and Ms. Connie Lara to provide information, education and depolarization on issues of naturalization.

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- A community-based naturalization process developed in collaboration with community organizations like UNO, allows applicants to complete the application process and take their interviews at a local neighborhood or community institution. This model replicates the collaborative relationship among mediating institutions that has previously proven effective in bringing thousands of immigrants into the citizenship process efficiently.

This Chicago Model is important to any policy adjustment concerning naturalization because it demonstrates the success a partnership between these mediating institutions and the INS can have. Churches in particular have played a key role in the success of the Chicago Model. Churches have devoted much time, energy, and human resources in support of this program. Their involvement further underscores the level of community interest in naturalizing these large numbers of permanent residents.

The Model is also significant because it has uncovered new mediating institutions, like banks and other financial institutions, who have a keen interest in assisting new citizens. Fannie Mae, which has pioneered the "New Americans Initiative" as part of its Trillion Dollar Initiative, has also demonstrated participatory interest. Finally, the success of this model has spurred the Mayor of Chicago to establish a municipal Naturalization Commission to facilitate this process as well.

Recommendations

To make these solutions complete and comprehensive, my recommendations are as follows:

- Increase resources allocated to naturalization, in terms of personnel and updated equipment.

- Replicate the Chicago Model in other central cities. Assist local INS offices in working with local community organizations to recreate networks of mediating institutions. The Industrial Areas Foundation (IAF) in Los Angeles and Texas already has extensive church networks in place to carry out this type of campaign.

- Emphasize the urgency of a nationwide naturalization effort in order to take advantage of the Alien Registration Card renewal deadline.

Other ideas include:

- Instituting electronic application filing, such as the IRS has recently implemented.

17.

EARLIEST MONTH AT WHICH NATIONAL IRCA PERMANENT RESIDENTS ARE ELIGIBLE TO APPLY FOR CITIZENSHIP

SOURCE: LAPS run, February 1992, INS Statistics Division.

TB 000252

17.

- Changing the examination procedure.
- Changing the language requirements.

Several key people are aware of the opportunity that this represents. They include Commissioner Doris Meissner, A.D. Moyer, Fannie Mae's Jim Johnson, Chicago's Mayor Richard M. Daley, key members from the IAF, Channel 44 General Manager José Lamas and from UNO, myself.

A meeting with these individuals, either together in a group or separately, to discuss these suggestions further would prove fruitful. I believe that these policy adjustments are feasible and worthwhile.

18.

MEMORANDUM

TO: Lee Ann Inadomi
Office of Cabinet Affairs
FROM: Robert L. Bach
Executive Associate Commissioner, Policy & Planning, INS
DATE: July 7, 1995
RE: Letters from the President to Newly Naturalized Citizens

You have asked us for information concerning the possibility of the President writing letters to newly naturalized citizens. This proposal raises several operational and policy issues which are discussed briefly below. I understand that discussions on this matter are still in a preliminary stage, and, accordingly, this memo does not attempt to explore exhaustively all of the legal and policy implications such a decision would raise.

Current Practice

- Newly naturalized citizens, in most instances, already receive a letter from President Clinton addressed "Dear Fellow American." (See copy attached.) These letters have been handed out to new citizens by INS at naturalization ceremonies around the country for a number of years, although there is usually a gap when a new administration takes office until the new president's letter is signed and distributed to INS offices.

- Upon request, INS also prepares individualized letters from the President to newly naturalized citizens. These requests are usually forwarded to INS from the White House Agency Liaison Office.

Logistics

- In fiscal year 1994, over 500,000 people naturalized, and the number will be closer to 600,000 in fiscal year 1995. Projections for fiscal years 1996 and 1997 continue to rise. Contacting all of these people would require a substantial investment of resources.

- At present, INS does not have a program to generate a master list of names and addresses of newly naturalized citizens. Approximately 70 percent of the individuals naturalized have their name and address captured in an automated system (NACS), which can be accessed both by headquarters and field offices. The other 30 percent are not part of an automated system, and their names and addresses are available only through paper records in INS field offices. Some INS offices where records are automated are experiencing significant time lags between the date of naturalization and the availability of names and addresses.

Potential Problems

- A proposal for INS to forward the names and addresses of newly naturalized citizens to

18.

the White House raises Privacy Act concerns that would require legal review in the context of a specific plan. INS discontinued providing lists of naturalized citizens to appropriate Members of Congress some years ago because of Privacy Act concerns.

- A White House initiative on contacting newly naturalized citizens, separate from the naturalization ceremony, might be criticized as campaign politics in anticipation of the 1996 election.

Recommendation

Continue the current practice of having INS present letters from the President to newly naturalized citizens as part of naturalization ceremonies.

4-3242

18.

MEMO

TO: Joe Cuddihy and Tom Cook
FROM: Barbara Strack
DATE: July 12, 1995
RE: Follow-up on White House Request Concerning Naturalization Letters

Since we're all in and out of so many meetings, I thought it might be helpful to put these follow-up questions in writing.

1. With respect to the individualized letters to newly naturalized citizens that INS prepares upon request:

-- are these actually personalized letters signed by the President? (Or, for example, are they personalized letters from the Commissioner attaching the President's standardized "Dear Fellow Citizen" letter?)

-- can we identify who such letters go to, by types of recipients or types of requesters?

-- what is the approximate volume of such requests (even a ballpark estimate, e.g., 2 per month or 100 per month?)

2. Do newly naturalized citizens get any kind of personalized letter from an INS official -- the Commissioner? a DD?

3. What is INS' timetable for automating the remaining 30% of naturalization records? Is it fair to say that it is our smaller offices that are not yet automated? (If not, what is the distinction between where we're automated and where we're not?)

4. If the White House decided tomorrow that it wanted to implement a policy of writing to newly naturalized citizens, how long would it take for INS to supply them with the names and addresses to do so? Assume (i) that we only have to supply automated data, and (ii) that we have to supply all names & addresses.

I'd like to get responses back to the White House by the end of the week, if possible, so please feel free to call me with the information rather than taking time to draft a memo. Also, please call if you'd like to discuss this, or if the time frame is unrealistic. Thanks.

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRECEDENCE	SECURITY CLASSIFICATION
IMMIGRATION & NATURALIZATION SERVICE, HEADQUARTERS WASHINGTON, D.C. 20536	ACTION: PRIORITY INFO:	UNCLASSIFIED 19.
ACCOUNTING CLASSIFICATION: 2211	DATE SENT/FILED: AUG 15 1995	FILE
FOR INFORMATION CALL		
NAME: CRAIG HOWIE	PHONE NUMBER: 514-5014	TYPE OF MESSAGE: ☐ SINGLE ☐ BOOK ☒ MULTIPLE ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:
ALL DISTRICT DIRECTORS (EXCEPT FOREIGN)

ALL OFFICERS-IN-CHARGE (EXCEPT FOREIGN)

ALL DISTRICT DIRECTORS (EXCEPT FOREIGN)

ALL OFFICERS IN CHARGE (EXCEPT FOREIGN)

SUBJECT: PRESIDENTIAL CONGRATULATORY LETTER/NATURALIZATION

ALL DISTRICT AND SUB OFFICES ARE REMINDED TO PROVIDE ALL NEWLY NATURALIZED CITIZENS WITH COPIES OF THE PRESIDENT'S CONGRATULATORY LETTER. THE WHITE HOUSE DESIRES THAT EACH NEW CITIZEN RECEIVE A COPY OF THE LETTER AT THE NATURALIZATION CEREMONY (WHETHER ADMINISTRATIVE OR COURT) AND HAS ESTABLISHED THIS AS A PRIORITY.

OFFICES MAY OBTAIN SUPPLIES OF THE LETTER FROM THEIR RESPECTIVE FORM CENTER. QUESTIONS: MARY ELLEN ELWOOD, HQOPS, 202/514-0078 OR CRAIG HOWIE, HQADN, 202/514-5014.

~~T. ALEXANDER ALEINIKOFF~~
~~ACTING EXECUTIVE ASSOCIATE COMMISSIONER FOR PROGRAMS~~
Louis D. Crocetti, Jr.
Assoc. Comm., Exhs.

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1	1	UNCLASSIFIED

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*U.S. GPO: 1988-540-105/80006

14-105

19.

Author: Karyn Dubie at KRO-KFC-001
Date: 9/27/95 1:55 PM
Priority: Normal
TO: HQKEM USA.HQKEM USA POST OFFICE 1:CSHOWIE at GroupWise
CC: David E Rosenberg at HQ-007
TO: Scott O Hastings at HQHCS
TO: Brenda K Fuller at KRO-001
CC: HQKEM USA.HQKEM USA POST OFFICE 1:MEELWOOD at GroupWise
CC: HQKEM USA.HQKEM USA POST OFFICE 1:TECOOK at GroupWise
CC: Dale M Saunders at HQ-007
Subject: Re: Nat'z Pres. Letter

---------- Message Contents ----------

Craig,

An expedited request was placed with HQFRT on July 26, 1995. According to info from HQ the expected ship date is 11-8-95. Quantities ordered are 1,000,000 for East and 700,000 for West. According to your info this is going to be an insufficient amount. If you can get some projected use figures for FY96 as mentioned, I will place a new order with HQ upon receipt of information.

Any action to obtain printing sooner, or increase the quantity of current order, would have to be coordinated through the HQ print shop.

We split our stock with WFC a month or so ago anf have since depleted the remaining supply.

Karyn

Date: 09/27/1995 07:12 am (Wednesday)
From: Craig Howie
To: CCMAIL.KRO-001.Fuller Brenda K, CCMAIL.HQHCS.Hastings Scott O, CCMAIL.KRO-KFC-001.Dubie Karyn
CC: TECOOK, CCMAIL.HQ-007.Rosenberg David E, MEELWOOD
Subject: Nat'z Pres. Letter

Brenda, Karyn & Scott: I received a call from Bob Kettle, LOS Nats, yesterday. He was reporting that they were almost out of the Clinton letter for naturalization ceremonies and that the WRForms Center had a backorder request of over 700,000. He noted that they expect to nats at least 35,000 by the end of the calendar year. If KRForms has any extra, can they be shipped out West? Or if these are on order for reprinting, can this request be bumped up in the line?
The Commissioner's goal is to naturalize 1.2 million person in FY96. And as you know, the White House is rather insistant that the Clinton letter be distributed to each new citizen. I do not think any of us want to be caught short. Please let me know if there is anything the program can do to help with this, and also what can be done to help out LOS. Also, some of the folks on the Citizenship USA team may be able to help the Centers project the distribution numbers of this letter for the five big nats offices for FY96. Thanks. Craig Howie

UNO *The United Neighborhood Organization of Chicago*

420 W. Fulton Market • Chicago, Illinois 60607 • Phone (312) 432-6301 • Fax (312) 432-0071

September 28, 1995

20.

First Lady Hillary Rodham-Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Ms. Rodham-Clinton,

Following up our conversation on Sunday, September 17, I am alerting you to the newest opportunity that has presented itself in UNO's Active Citizenship Campaign. Based on the number and quality of UNO's naturalization applications, as well as UNO's efficient outreach, local and regional INS officials have approached UNO with the opportunity to participate in a pilot program which would use strategies that directly address the current naturalization backlog.

Focusing on strategies that allow non-governmental organizations to assume the clerical bulk of the naturalization process, this pilot will enable the INS to focus staff on naturalization case review, border patrol and other priorities.

The pilot will not only move applicants through the process more quickly and efficiently, but it enables the INS to address the millions of naturalization applications pending nationwide and still achieve Commissioner Doris Meissner's goal of 120 day turnaround. We believe that this pilot will drastically reduce the time between application and Oath administration (currently averaging 1 ½ to two years) without compromising the integrity of the process.

This pilot also may provide the Democrats with a strategic advantage at next year's Convention. The people stuck in Chicago's naturalization bottleneck represent thousands of potential voters. Similar hardships exist in politically important states that have large urban concentrations of eligible permanent residents, like California and Texas. In fact once tested in Chicago, the pilot may be most quickly replicated by the IAF network in Los Angeles. The IAF has developed a church-based naturalization program modeled after UNO's, and I am confident in their ability to exceed the success we have accomplished in Chicago.

Recognizing Chicago's benefit, Mayor Richard M. Daley has pledged full support to UNO's Active Citizenship Campaign. Americanizing immigrants by making them aware of the full responsibilities of citizenship is a priority for our public and private sector allies. These partners have planned large Oath ceremonies in 1996 for 10,000 new Americans at a time. Accelerating the naturalization process for thousands of eligible Chicagoans is key to the Campaign's goal of 96,000 new voter registrations for 1996. These potential New Americans can have great social, political, and economic impact, not just in Chicago but across the United States.

Framing the naturalization controversy within the context of a good citizenship initiative provides a counterpoint to the Republican Party's stance on legal immigration. The issue is not about the problems immigrants bring to the United States, but what we as a country do to integrate immigrants into American society.

I have enclosed two pieces that explain the specific aspects of UNO's Campaign. I am interested in establishing support for the proposed pilot program in order to overcome the politics of its implementation. I look forward to hearing from you. If you have any questions or issues, please contact myself or my associate Gaza Gomez.

Sincerely,

David S. Solis
President/Executive Director

21.

MEMORANDUM FOR HAROLD ICKES

From: Kevin O'Keefe
Re: **New Citizen Voter Registration**
Date: September 28, 1995 :

Before Fiscal 1994, INS generally received and processed about 300,000 naturalization applications per year. By the end of this fiscal year, the number of applications will have increased to 1,000,000 and 1,000,000 for next year. Of the 1,000,000 applications, the overwhelming majority (75%) are concentrated in five cities.

Los Angeles	219,916
New York City	113,827
Miami	107,739
San Francisco	81,174
Chicago	66,817

By the end of fiscal 95. INS expects to have completed 530,000 applications and to have a backlog of 738,500 applications. This will be an increase of 76% , but it will still leave a growing backlog of pending cases.

In response to the backlog, INS will implementing Citizenship USA. This program is designed to eliminate the backlog and insure that be the summer of 1996, the time period from application to completion of the citizenship program will be six months. Citizenship USA is being piloted in Los Angeles, and with the next four months will be expanded to include Miami, New York, Chicago, and San Francisco.

Under current funding, efforts to speed up naturalization processes cannot be achieved. The two major components of the process, Citizenship USA and the UNNO project are dependant on funding which is subject to Congressional notification and limitations.

As to voter registration, Citizenship USA will include a voter registration by mail form in the package distributed to new citizens in Los Angeles. In addition to Los Angeles, the voter registration packets are included in Miami. In Chicago, local election officials register at swearing in ceremonies as do San Francisco officials. In San Diego, voter registration efforts at new citizen swearing in ceremonies are conducted by the League of Women Voters, Pro-America, and "We Can Vota." In Virginia, representatives of local government attend ceremonies and provide registration by mail packets. In Washington, D.C. also provides voter registration packets to its new citizens.

In total, the INS effort at voter registration together with the efforts of local elected officials and groups such as the League of Women Voters is resulting in registration of naturalized citizens. But the pace of naturalization will limit the number of new voters.

A copy of the Justice Department memorandum on INS processing as attached.

21.

MEMORANDUM FOR HAROLD ICKES

From: Kevin O'Keefe
Re: Naturalization Ceremonies
Date: March 13, 1996

I have reviewed the process of voter registration in naturalization ceremonies. In every instance in which a new citizen is sworn in, the new citizen receives a packet from I.N.S. which includes a voter registration mail in card in the form approved by the Federal Election Commission under the National Voter Registration Act. In addition to the cards, a number of groups operate voter registration activities at ceremony sites including local election officials, the League of Women Voters, and other non-partisan organizations involved in voter registration activates.

In situations where the ceremony is for smaller groups, under 1,000 and usually around 500; on site voter registration is very successful for both new citizens and others. Where ceremonies are larger, in some cases approaching 10,000 it is physically impossible to manage effective voter registration efforts for a number of reasons. The primary reason is time. It takes at least one hour, and sometimes longer to fill a hall with 10,000 people. The ceremony can last up to an hour. It takes approximately two minutes to fill out a registration card. For a crowd of 10,000 the card completion is not a problem, collection is. After a period of two hours plus, most people want to get themselves and their families out of the hall especially if children are present.

There is no way to keep the people there and ask them to line up in front of a table and register to vote even assuming that the local registrars could staff the tables necessary to service 10,000 new voters.

In Chicago, there is a plan for a mass ceremony this summer. The registration attempt to be coordinated with Skinny Sheehan, our best field organizer. Sheehan is trying to see how a voter registration could be conducted when a crowd in the thousands are sworn in. I will keep you advised.

22.

MEMORANDUM

TO: Alex Aleinikoff

FM: David Rosenberg DR

RE: 1996 Naturalization Hiring Level

DT: February 26, 1996

In the talking point page I wrote Friday per the White House request to Pam Barry, you will notice that I said that "INS is hiring more than 850 additional staff to process applications..."

The number comes from the following:

1995 Reprogramming:

- 270 (approximately 51% of the total permanent officers and term clerks)

1996 Reprogramming:

- 400 (270 temporary officers and 130 temporary clerks for 5 cities - 6 months))
- 150 (75 temp officers and 75 temp clerks for other cities - 4 months)
- 88 (contractors for Service Centers)

This comes to a little over 900. (Of course, it is not 900 FTE's, as most of these persons are hired only for a portion of the year.) I brought the announced total down to "more than 850" because the numbers for the other cities and the contractors are still being determined.

Thanks for your phone call 6 WA

23.

MEMORANDUM

TO: Elaine Kamarck
Office of the Vice President

FM: David E. Rosenberg
Citizenship USA

RE: Possible Assistance for Citizenship USA from NPR

DT: February 22, 1996

Thank you for your kind offer of possible assistance for this project. Here's an initial list of help we could use:

1. Temporary field staff. We would be happy to have additional staff, particularly in our larger offices. We could use some people on regular day shifts, and even more for an afternoon-evening shift and for weekends (Sat. day and Sunday afternoon). We would need roughly the same numbers of temporary adjudications officers (GS 5 - 11) and clerical support (GS-4). For the adjudications officer positions, it would be great to have persons with similar experience: determining eligibility for disaster loans, VA benefits, visas, or the like.

Our offices could utilize these people (particularly clerks) immediately. In order to conduct interviews, adjudicators would need approximately 1 week of instruction and 1 week of on-the-job training. Therefore, it would be best if the persons filling these positions could stay 3 months or longer, and came to us in batches. After training, each new temporary officer working full-time could complete at least 200 cases per month, and maybe more. Alternatively, we could use these workers to conduct the required English language/civics testing or to help with ceremonies, freeing up other interviewers to conduct more interviews daily.

We are interested in either detailees or furloughed workers. In the case of furloughed staff, INS would look to find sufficient funding to pay for salaries at the same levels as our other temps. We would hope that their benefits would be carried by the home agencies. We are already trying to hire as many temporaries as our budget will permit, so even finding partial funding for furloughed workers will pose a challenge. We may need to ask for your help with this, as it is extremely unlikely that INS could get additional funds reprogrammed through Congress this year. Nonetheless, we will find a way if the people are available.

Would it be feasible to obtain AmeriCorps volunteers to help out?

23.

Here's a first cut at what we can use in our largest offices. These are the number of additional staff we could use at one time; more individuals could be rotated through to maintain this level through September.

Locations	Temp Officers	Temp Clerks
Los Angeles	75	75
New York	30	30
Miami	25	25
San Francisco	30	30
Chicago	25	25

We are trying to identify needs in other cities as well.

2. Staff Specialists:

In each of the listed cities, a small number of experienced staff could make a big difference. We would be interested in:

- Managers with logistical experience for quick action, to help handle the temporary workforce arrangements;
- Special events planners, to assist with ceremony logistical planning; and
- Community relations specialists, to help us manage relations and planning with the many community groups involved in off-site interviews.

In Washington, our team could use:

- An experienced procurement specialist/contract writer to help write and move contracts/cooperative agreements for ceremony planning;
- An analyst familiar with designing statistical reporting databases, as well as analyzing trend data, so that we can provide up-to-date numbers on progress, spot any problem areas immediately, and respond to a growing number of Administration and Congressional requests for local analyses; and
- A communications specialist, support our responses to the press and to help design/produce printed materials.

23.

3. Ceremony Space

We could really use a good ceremony space in New York City. From May through September, we need additional capacity to handle 25,000 new citizens and family members per month. The volume can be divided into several sessions per month, so smaller venues (seating no fewer than 3,000 and preferably closer to 10,000) could be used more frequently.

In Los Angeles, the federal court controls the ceremonies, which are held in the LA Convention Center. So far, they have been quite cooperative in providing dates to keep up with our increasing numbers. But we will need another 10 -12 ceremony days in July-September, in order to swear in those persons approved by September (instead of waiting the normal 2 months more). We are raising this to the courts, and we should know soon if they and the Convention Center will accommodate this need. If not, we will need some help in finding appropriate space there as well.

4. Office Space

Given the need to have files and computers available, it makes sense to utilize our existing project office space completely, rather than finding new temporary office locations. It would be most helpful if GSA agreed to let us use our offices in Federal buildings for extended days (8am-8pm) and on weekends. That will involve providing guard staff, as well as covering additional utilities charges.

5. Procurement

As we discussed in our meeting, we have several contracts/cooperative agreements for pilot projects in our major cities, which we would like to move ASAP, in order to free up staff to move more cases. These include planning and supporting ceremonies, providing information to applicants, and English/civics testing. We would appreciate help from NPR and OMB in finding the fastest appropriate vehicles. We have explored piggybacking one of these on an existing Dept. of Education grant, but they are not enthusiastic; perhaps your office could help work this out.

Thanks for your consideration. We're continuing to check the needs for staff in other cities, and to brainstorm for other possibilities to increase results. If you have any questions, I can be reached at 514-9618; Alice Smith is at 514-1900.

doug farbrother at npr @ CCMAIL
09/19/96 09:38 AM

24.

To: Deb Smith
cc:
Subject: INS Customer Service

New Forward Item:

---------- Forwarded ----------
From: doug farbrother at npr
Date: 3/9/96 10:19AM
To: Daniel Neal at npr
cc: Laurie Lyons at npr
Subject: INS Customer Service

New Text Item: Text_1

I'm working with INS to improve service. I want them to stay open evenings and weekends to conduct naturalization interviews, but they think GSA will balk at guarding and operating the buildings. Who should I talk to make sure this is not an obstacle? Barrom?

Author: Richard J Diefenbr.. .t HQ-EEO-001
Date: 3/19/96 2:06 PM
Priority: Normal
TO: John Clarke at ERO-003
TO: David H Parish at ERO-003
TO: Phyllis D Chi at NRO-001
TO: Joe M Jansen at NRO-001
TO: Debbie Dusenberry at SRO-001
TO: Wayne Johnson at SRO-001
TO: Greg Ward at WRO-003
CC: Rufus F Johnson
CC: Denisle C Berman
Subject: Citizensihip USA II

Wayne
Charlie
Action

24.

---------- Message Contents ----------

Please be aware of a "White House" initative to further enhance and accelerate the Service's Naturalization efforts under the Citizenship USA project. The information this office has at this time regarding this initiative is limited. We do know however, that the latest efforts to support the project (which runs through December) call for extending the hours at existing facilities to 6 a.m. - 8 p.m. (Monday-Friday) and 8 a.m. to ? on Sunday. The focus is at existing citizenship locations, and, with the exception of New York City, no additional space beyond what has been obtained or in process is required.

NPR representatives and David Rosenberg have visited GSA in LA, San Fran, Chi, New York and Miami on this intiative so you may want to contact these GSA regions (as well as INS district offices) to become up-to-date on these events.

Please provide this office with any potential impact to your space actions that this "White House" initiative has caused.

As more information becomes available I will pass it on.

Rich

E Mail to Wayne 3/25
CS

doug farbrother at npr @ CCMAIL
09/19/96 09:37 AM

25.

To: Deb Smith
cc:
Subject: Reminders for Doug (or Laurie):

New Forward Item:

---------- Forwarded ----------
From: doug farbrother at npr
Date: 3/9/96 10:51AM
To: doug farbrother at npr
cc: Laurie Lyons at npr
Subject: Reminders for Doug (or Laurie):

New Text Item: Text_1

Check with OPM about converting competitively hired temps to permanent or term employees without another competition. INS in LA thinks they are going to start losing people this summer if they can't promise them longer term jobs; the temp athority runs out in September.

Talk to INS and Justice security bureaucrats about speeding up hiring. Instead of waiting for months for the complete background check, how about a fingerprint check then bring them on board while the background check is continuing. DoD does that, I think. There is plenty of non-sensitive work and training for them to do while they're waiting. Besides, I hear that the contract employees who handle he naturalization certificates, the most sensitive document, don't get a background check.

Call Barrom about INS hours and space.

25.

1] From: Dorothy C Swartwood 3/26/96 7:01AM (2090 bytes: 1 ln)
: Ken L Smith, Thomas M O'Neil, Stephen A Smith
bject: Citizenship USA

Forwarded

om: Evangelia Klapakis at ERO-NYC-004 3/23/96 2:42PM (1892 bytes: 1 ln)
: Leeley E Smail at ERO-003, Dorothy C Swartwood at ERO-002
ceipt Requested
: Robert Brouillet, Mary Ann Gantner at ERO-NYC-003
bject: Citizenship USA

Message Contents

Dottie and Leslie,

This is to let you know the latest in citizenship USA. We had a meeting over the weekend at the direction of the Deputy Commissioner. This coming week we will be getting additional positions, etc., for the CUSA project.

Thus far, we gave out over 2000 applications for each vacancy posted. You will need to have the applications processed a day or so after the closing date. We were instructed to do limited clearances on these individuals (fingerprint check, and drug testing, only). The remaining process will be done while on-duty. Since the certificate is issued in alphabetical order applications should be reviewed immediately. If you have a problem with overtime money I am sure Lani will be generous because she knows this is a top priority with the White House. Also, the lady from Drug Testing called me and I will return her call on Monday. I hope she will cooperate because I'm looking for a 3 day turnaround time for drug test clearances (from day of interview).

Please advise me on Wednesday how heavy the load of applications has been. We are canceling the ad after Sunday the 24th, except for the Long Island paper which runs until Wednesday.

P.S. you are all welcome to come to NYC when we are processing these individuals. Hopefully, the week of April 15.

Angela

Dave Parish

25.

From: Stephen A Smith 11/22/95 3:58PM (2207 bytes: 1 ln)
Dorothy C Swartwood
Thomas M O'Neil, Ken L Smith
ect: WAIVERS FOR NATZ HIRES
——————————— Forwarded ———————————
: Robert J Longo at HQSEC 11/22/95 11:26AM (1964 bytes: 1 ln)
Stephen A Smith at ERO-002, Liz Robb at SRO-001, David L Milne at NRO-001,
se G Reese at WRO-002
ipt Requested
dita Spalding at HQBOR, Nancy E Weiss at HQHRA, Kathryn E Sheehan at HQBOR,
ert J Longo, Gloria T Scott
ect: WAIVERS FOR NATZ HIRES
——————————— Message Contents ———————————

Item 1: Text_1

You may be aware that HQSEC requested DOJ/SEPS approval to obtain lesser scope background investigations than required by position sensitivity for temporary NTE 1 year District Adjudications Officers (DAO's) and Applications Clerks (Appa Clerks) hired under the "NATZ" initiative. The Department DENIED our request. So, we will need to obtain BI's on the DAO's and LBI's on the Appa Clerks.

HQSEC is authorizing each ACSO to use waivers of preappointment background investigations for all the temporary DAO and Appa Clerk positions filled under the NATZ hiring initiative. In addition, the ACSO's are authorized to approve waivers for ALL these positions, on a case-by-case basis. ACSO's will NOT need to send any of these waivers to HQSEC for approval. DAO waivers can be approved under existing blanket waiver authority for Immigration Examiners (per INS memo dtd 12/20/88 to ARC's from AC, Personnel and Training). HQSEC authority to approve waivers for the NCS Appa Clerks hired under this initiative is hereby delegated to ACSO's.

As waivers are authorized and these are temporary positions, 120-day background investigations (BI's or LBI's, as required by the position) can be requested to conserve funds.

Call me if you have any questions.

Bob Longo

25.

I have been advised that we have 14 temp DAOs for CUSA who have security problems - some probably great, and some probably minor. Pursuant to a previous CUSA teleconference call with Rick Hastings he advised that such situations were not likely to be cleared up rapidly because of the amount of work in HQSEC, and that new selections should be made. I have been advised, however, that HQSEC won't "allow" us to withdraw our selections. My questions is this - who the heck are they to tell us who we should or should not select or un-select. Unless someone can tell me a rational basis for their actions, it is my intention to immediately prepare correspondence to withdraw all fourtsen of those selections, and to have fourteen new selections made. What do you think?

25.

Author: Jeanne M Ray at ERO-002
Date: 5/20/96 11:47 AM
Priority: Normal
Receipt Requested
TO: Eileen Convy at ERO-MIA-003
Subject: Re[2]: Temp DAOs
---------- Message Contents ----------

Would you check to see if the following memos were received in Miami: Citizenship USA from the Office of the Deputy Commissioner dated March 26, 1996, and Hiring dated May 10, 1996, from the Office of Field Ops.? The March memo permits exceeding FTE ceilings and the May memo indicates that offices should overselect by 20%.

Since Miami falls under Dallas for Personnel and Security purposes, these messages have all been forwarded to Rick Hastings, Human Resources in HQ as he is responsible for the CUSA hiring. We'll get back to you as soon as possible.

---------- Forward Header ----------
Subject: Re[2]: Temp DAOs
Author: Eileen Convy at ERO-MIA-003
Date: 5/17/96 2:28 PM

JEANNE,
WE HAVE OVER SELECTED. BUT WE ARE NOT BEING PERMITTED TO BRING THOSE PEOPLE ON DUTY IN LIEU OF THE FOURTEEN WHOSE WAIVERS WERE NOT GRANTED. WE HAVE ONLY BEEN ABLE TO USE THESE OVER SELECTIONS WHEN THERE IS A DECLINATION BY THE PRIMARY SELECTEE.
CONVY

---------- Reply Separator ----------
Subject: Re: Temp DAOs
Author: Jeanne M Ray at ERO-002
Date: 5/17/96 12:22 PM

I spoke with Security in Eastern Region as well as with Brian Meyers, ROCOU, regarding this issue. A district does NOT have the authority to withdraw selections based on suitability. Presently, only HQ has that authority. A waiver is the review of preliminary information. Employees who are selected for positions are entitled to full security background checks. Only when the process is complete can the selections be withdrawn for suitability reasons.

Counsel has had to appear before the Merit Systems Protection Board on these issues and the Service has had to reselect employees and complete the full security background checks. Although job offers may be withdrawn for other valid personnel reasons, if you withdrew selections for the fourteen that were denied waivers it would appear that the jobs were withdrawn for suitability reasons.

Again, we recommend over-selecting for the DAO positions.

---------- Reply Separator ----------
Subject: Temp DAOs
Author: Richard R Kellner at ERO-MIA-002
Date: 5/15/96 4:52 PM

25.

From: Mary Ellen T McCarthy Elwood
To: CCMAIL_HQ-004.Lauria-Sullens Jolene L, CCMAIL.HQ-0...
Date: 4/23/98 7:07pm
Subject: CUSA Hiring -Forwarded

Jolene,

Rick wanted to know if the field can now advise new hires (or job applicants) that the jobs will last through the first qrtr (DAOs) or a little further for the clerks.

At the meeting with Chris Sale last Thursday, this question came up, and she was pretty emphatic that we could not yet make that kind of offer.

Has there been any movement on this, so that we can use this as a way of making the jobs more attractive? INS is competing with a lot of other employers just now. We don't always get the best and brightest; for example, in CHI, 9 of 11 selectees had criminal records.

If we can tell people that the jobs will be 3 months longer, we may get a better level of applicant.

Mary Ellen

[illegible] estimates the cost of the 78 CUSA investigations to be about $168,000. If ACT has to fund less than 100 new hires through the end of the FY, then they will have enough money to cover the 78 CUSA investigations already at ACT. However, if ACT has to fund 100 to 150, then they will not be able to fund the 78 CUSA investigations. On 5/20 he will learn the expected number of additional investigations ACT will fund during the remainder of the FY. Then he can tell us about the funding needs. He will call me on 5/20 and I will pass the information on to you.

25.

---------- Forward Header ----------

Subject: LACK OF FUNDS FOR CUSA BI'S
Author: Robert J Longo at HQSEC
Date: 5/16/96 2:30 PM

Winona/Jerry --

On 5/16, Dave Milne called to say he has 78 BI/LBI funding requests for new employees hired under CUSA (i.e: WHO HAVE ALREADY EOD'ED), and he has NO MONEY to fund their BI's/LBI's.

As you know, HQSEC has been funding CUSA BI/LBI requests from an ACT G-104 because we made an arrangement to do so.

Well, as I understand it from Dave, HQ contacted ACT and asked ACT to return funds, and ACT returned $600,000.00 to HQ. Then, a crush of HQSEC requests to fund CUSA cases hit ACT, and ACT has run out of money to fund these cases. Therefore, we cannot send the cases to OPM, and the employees are on the rolls and no BI/LBI is being conducted. *

This is exactly what has happened to INS in the past, and INS got into quite a bit of difficulty 'back when' for hiring new employees who were NEVER investigated. That is why DOJ insists that the OPM background investigation be scheduled before a waiver is approved. We made an exception for CUSA, but we need to resolve this quickly. **

I told Roy NOT TO SEND any more funding requests for CUSA cases to ACT until we resolve this matter, which I will pursue with Winona/Jerry on Tues. 5/21.

BOB LONGO

26.

From: Barbara M Tenaglia at HQ-002
To: HQEXM USA.HQEXM USA POST OFFICE 1(AJSMITH,TAALSINI...
Date: Mon, 3/11/96 9:31am
Subject: Memo to you from the Commissioner

Alice, below is a message the Commissioner wanted me to pass on to you. Figure this is an easy way of doing it.

"Thanks for the draft Citizenship USA Nsltr. It looks good to me but I think it needs more specificity in some areas, e.g., how many of the 850 have been hired office openings in "spring" should be able to be nailed to a specific month by now. Also, I think it might well have a city-by-city section in which key developments in each of the five are outlined. Here may be the place to state expected staffing levels, percentage increase that represents over last year, how many (about) are on board, list of groups participating, etc. We want to give national overview but the prupose of the nsltr is to prvide folks in key locales with information and reassurance that things are happening for them. If possible, I'd also highlight a different city each time for a "feature" of something that is noteworthy. What comes to mind right now may be the ONe Nation effort and dinner in Miami or the Gore meetings in L.A. (though maybe they're best kept low-key.)

I also promised Rahm that the first internal memo (INS to Reno, copies to Panetta, VP, Ickes, Cisneros, Emanuel, and Rasco) would come next week with the nsltr the week to follow. If this is not a good schedule from the standpoint of timely numbers of something, let's still do an update internal memo for them next week laying out what the schedule will be from now on."

U.S. Department of Justice
Immigration and Naturalization Service

Ltr : INS
26.

Office of the Commissioner

425 I Street NW.
Washington, DC 20536

MAR 25 1996

MEMORANDUM FOR THE ATTORNEY GENERAL
AND THE DEPUTY ATTORNEY GENERAL

FROM: THE COMMISSIONER
IMMIGRATION AND NATURALIZATION SERVICE

SUBJECT: *CITIZENSHIP USA* REPORT

I am enclosing a summary report on *CITIZENSHIP USA*, our nationwide initiative to become current with citizenship processing. We are aggressively pursuing our FY 1996 goal of 1.2 million cases completed. Highlights of this report include:

Increased Staff. Since last August, the citizenship workforce in our five target districts has increased from 236 to 791 positions (a 235% increase). Another 100 contractors are being hired to handle citizenship applications for these districts at our Service Centers, a major efficiency gain. 62% of the peak staff are now working; virtually all of the remainder are hired and should be on duty within the next month. (See hiring chart attached to report). We are working with the National Performance Review staff to increase staffing further, and to implement expedited hiring and clearance procedures.

New Offices. New Citizenship Centers are operating in Los Angeles (2), San Francisco (2), and Miami. In April, new offices will open in El Monte (Los Angeles), Fresno, and Chicago. New York City will open another location in early May.

Increasing Case Completions. Through January, INS had completed processing 241,567 applications, up 61% over the same time period last year. The completion rate will accelerate dramatically in the next few months, as major staffing increases take effect. (See chart on completions attached to report).

Stronger Community Partnerships. Our work with community-based organizations has taken an enormous leap forward in the past few months. In our five key districts, we now meet monthly with more than 100 community groups, as well as local officials. Cooperative efforts in application assistance, convenient interview sites and ceremonies are growing rapidly. With few exceptions, the feedback is extremely positive.

26.

The Honorable Vice President Albert Gore
Leon Panetta, Chief of Staff, White House
Carol Rasco, Assistant to the President for Domestic Policy
Rahm Emanuel, Assistant to the President and Director of Special Projects
John Hilley, Assistant to the President and Director of Legislative Affairs
Doris Matsui, Deputy Assistant to the President and Deputy Director, Office of Public Liaison

FAX for Chris Sale

FROM: Doug Farbrother, NPR

When I met with Doris Friday, I told her that to get the results the Vice President wants, I need to get plenty of authority into the hands of your District Directors in the big cities. I simply don't have time to deal with the entire multi-layered organization. She deferred to you as the internal manager.

I need you or Doris to sign something like the attached. Please let me know soon.

27.

27.

Memo for INS District Directors in: Los Angeles, New York, Chicago, San Francisco, Miami, Newark, Houston

From: Doris Meissner — Commissioner, Immigration and Naturalization Service

what is a rule?

I hereby delegate to you my authority to waive INS rules and regulations, within the confines of law. Please let me know which rules you have waived.

conflict?

I expect you to use this authority to strengthen security against naturalization of aliens who do not meet statutory qualification standards for American citizenship, and to enhance the speed and convenience of the process for those who do. I hold you accountable for your judgment and the results.

I also authorize you to recruit and hire temporary employees locally as needed to expedite the naturalization of qualified aliens.

What if contrib?

Gen Counsel Legal Question — If the Agency needs regs to go of statute — can the INS just waive the reg?

27.

Memorandum to:

Edward McElroy
District Director, New York

Brian Perryman
District Director, Chicago

Walter Cadman
District Director, Miami

Thomas Schiltgen
District Director, San Francisco

Richard Rogers
District Director, Los Angeles

Subject: Citizenship USA

We hereby delegate to you full authority to waive, suspend, or deviate from DOJ and INS non-statutory policies, regulations, and procedures provided you operate within the confines of the law. Please let us know which rules you have waived.

We expect you to use this authority to strengthen security against naturalization of aliens who do not meet statutory qualification standards for American citizenship, and to enhance the speed and convenience of the process for those who do. We hold you responsible for your judgment and the results.

Jamie Gorelick
Deputy Attorney General

Chris Sale
Deputy Commissioner

28.

doug farbrother at npr @ CCMAIL
09/19/96 09:36 AM

To: Deb Smith
cc:
Subject: Re[2]: INS

New Forward Item:

---------- Forwarded ----------
From: doug farbrother
Date: 3/20/96 2:41AM
*To: Elaine C. Kamarck at OVPNOTES
Subject: Re[2]: INS

New Text Item: Re: INS

I talked to Chris today and she seems to be making progress wit the delagation lettar. Let's give her another day or two. I think she is trying to get the HQ staff usad to the idea.

_____ Reply Separator _____
Subject: Re: INS
Author: Elaine C. Kamarck at OVPNOTES
Date: 3/19/96 10:08 AM

WHAT DO I NEED TO DO? DO I NEED TO CALL DORIS MYSELF? OR CHRIS SALE?

28.

doug farbrother at npr @ CCMAIL
08/19/96 09:35 AM

To: Deb Smith
cc:
Subject: Re[4]: INS

New Forward Item:

---------- Forwarded ----------
From: doug farbrother
Date: 3/20/96 8:55PM
*To: Elaine C. Kamarck at OVPNOTES
Subject: Re[4]: INS

New Text Item: Re: Re[2]: INS

I just got back from Miami, now having visited all five cities. The story is much the same.... very few people working on the backlog.... months waiting for OPM and INS headquarters to advertise vacancies, assemble lists of applicants, make selections, send fingerprints to the FBI, and have OPM check character references and previous employers (the same level of scrutiny that I got for top secret national security clearance). All this for temporary jobs at the GS4 and GS5 level. By the time the process is finished, many applicants have taken other jobs, and the process starts over. In every city, the District Directory believe they can quickly hire enough people locally to run two shifts and weekends if only they had the authority.

I will press Sales and Meissner Thursday morning, then I'll call you to let you know where we stand.

Tell Vega I'm thinking about marching with him on the picket line.

Reply Separator
Subject: Re: Re[2]: INS
Author: Elaine C. Kamarck at OVPNOTES
Date: 3/20/96 9:10 AM

OKAY, I HAVE JUST GOTTEN ANOTHER THREATENING LETTER FROM FATHER VEGA WHO WANTS TO PICKET THE INS HEADQUARTERS. TRY TO FIND OUT WHEN THEY CAN GET THE EXTRA AGENTS OUT

doug farbrother at npr @ CCMAIL
09/19/96 09:35 AM

28.

To: Deb Smith
cc:
Subject: Re[6]: INS

New Forward Item:

---------- Forwarded ----------
From: doug farbrother
Date: 3/21/96 8:28PM
*To: Elaine C. Kamarck at OVPNOTES
Subject: Re[6]: INS

New Text Item: Re: Re[4]: INS

I favor drastic measures. I am meeting with Jamie G and Chris S Friday at 1:30. If I don't get what we need, I will call for heavy artillery.

Reply Separator
Subject: Re: Re[4]: INS
Author: Elaine C. Kamarck at OVPNOTES
Date: 3/21/96 9:36 AM

THE PRESIDENT IS SICK OF THIS AND WANTS ACTION. IF NOTHING MOVES TODAY WE'LL HAVE TO TAKE SOME PRETTY DRASTIC MEASURES.

28.

TO: Albert Gore at EOP_OVP
CC: Elaine C. Kamarck at EOP_OVP
CC: Bob Stone
CC: Laurie Lyons
Subject: INS

---------- Message Contents ----------

I met with Jamie Gorelick, Chris Sales and various INS and Justice staffers. I told them that, after visiting all five cities, I had concluded that the only way to get the backlog processed in time is to delegate broad authority to the managers in those cities, to waive stupid rules, move money from one account to another as needed, and recruit and hire people locally instead of through the slow centralized process. Sales has been resisting such broad, bold delegation and Jamie didn't push her far enough to suit me.

After the meeting Jamie told Elaine that they would:

- delegate hiring authority
- give each city manager a "project budget" to spend as needed
- waive extensive background investigations on new employees
- allow the cities "overhire authority."

Jamie said she would deliver by Tuesday.

I'll be in LA Tuesday waiting with the local INS manager for the delivery. I'm skeptical on two counts: first that the promised relief will arrive on time, and second that it will be all it's cracked up to be.

I bet Elaine $10 that the LA manager won't get what he needs Tuesday. Do you want in on the action?

Le-28.

EXPANDED NATZ INITIATIVE FOR CUSA

The following is the result of two weeks of review and analysis in the five CUSA cities by the CUSA team headed by David Rosenberg and the NFR representatives from the Vice President's Office. The purpose of their review was to answer the question: Is CUSA moving fast enough, given the delays caused by budget and furloughs? During their tour and review, they were made aware of the difficulties the five CUSA districts were having in hiring, security clearances, facility limitations and constraints in both the budget and the adjudicative process.

With this information, they have discussed with the White House, DOJ and now INS HQ, means for overcoming some of these difficulties, limitations and constraints. The aim of this initiative is to empower local district managers with the flexibility and means they need to accomplish the goal of becoming current in Naturalization by the end of the FY. Along with this flexibility and means however will come the accountability for meeting the above-stated goal.

The basic assumption of this initiative is as follows:

To allow the CUSA offices authorization of funds equal to a 20% increase in Natz staff. (The regional offices have been contacted by HQOPS (Resources) and understand where funding for this initiative will come from.) This 20% increase is based on the staff devoted to natz in the 1995 base plus staff designated for natz in the June,1995 and January, 1996 enhancements. The CUSA offices will be able to spend the funds equal to that staffing increase in any manner they deem appropriate. In other words, the funds can be spent on temp.hires, contract help, overtime etc. The only caveat will be that any natz application filed by March 31, 1996 is completed and the applicant sworn in by the end of the fiscal year.

Listed below is the four part process to identify improvements for this initiative and the office(s) responsible for drafting each:

1. Personnel and Security issues: HQHRA and HQSEC will review the hiring and security clearance processes to remove any obstacles and streamline the process. They will chart out a new expedited procedure with local control and decision-making built in and design guidance on the new procedures.

2. Budget issues: HQOPS (Resources) and HQBUD are outlining a new expedited procedure for districts and regions to move money from one designation to another. Each CUSA office will be given a total amount of funds that can be spent on this initiative without the limitations of certain amounts in specific accounts (PS&B vs. GE).

3. Adjudicative issues: HQADN is reviewing suggestions made to streamline the natz. process. If these suggestions are within the statutory limitations they will be adopted and guidance for any process changes will be drafted.

4. CUSA Districts: Each district is asked to provide the following data, analysis and planning to their regional office for review by both Adjudications and Budget staff. Each regional office is to

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forward all district plans to the Office of Field Operations by fax to 202-514-0051 no later than 12PM EST on Sunday, March 24. Each district and region should also include the name and telephone or beeper number of a point of contact who can be reached on Sunday, March 24 after 12PM EST, in the event that there are any changes or questions.

A. Hiring: Please provide a current and detail status of the district hiring for naturalization. This must include the authorized funded levels, a breakdown by positions (if applicable), the number of staff on board, the number of vacancies and a breakdown of where all vacancies are in the hiring process. Also include projected EOD's for those positions where it is feasible and an estimate of the time needed to complete the process for the remainder of the vacant positions.

Discuss the possible methods/vehicles the district may use to fill vacancies and/or meet the staffing needs given the 20% increase discussed above.

B. Facilities assessment: Given a 20% increase in staff as discussed above, the district must describe the nature of expanded use of current facilities to accommodate these additional staff. CBO interview sites, expanded hours and expanded work weeks are examples. The district need not take in account the cost of extending the work hours of the office(s), these will be funded by HQADN according to David Rosenberg. However to the extent that those costs can be identified or estimated they should be included.

Each district should also assess what, if any, impediments there may be to extended hours in each facility. For example: Any prohibitive city/local ordinances, limitations in leases etc.

C. Ceremonies: Each district should assess the impact that the 20% additional staff will have on the need for ceremonies and draft a plan to accommodate that need. The plan should include estimated cost including any additional equipment, staff etc.

D. Staff schedules: Each district should assess what impact the additional 20% staff increase and the expanded facilities will have on staff schedules and outline those changes/additions. Please include an assessment of any difficulties you may foresee with the union as a result of these proposed changes.

E. Problems: Please describe in specific terms any difficulties, limitations or constraints that each district is experiencing that may not have already been addressed and any possible solutions you may wish to recommend. Examples: specific problems with ADP equipment; difficulty in getting supplies, etc.

These plans will serve as the basis for a broad plan to be presented to the Dep. AG on Monday, March 25. At that time the DAG will make decisions on the viability of these proposals. After decisions have been, each CDRA will be required to draft detailed plans to utilize these new streamlined and expanded authorities to ensure that all new applications are current (within 6 mths) by the end of FY96.

Space - 630 Elmwood -

Help Desk - O.T. Cap
Printer - Contractor Staffing - Temp Support
ADA

28.

OFFICE OF THE DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

FACSIMILE TRANSMISSION SHEET

TO: Elaine Kamarck

Fax #: ( ) 456-6429 Voice #: ( )

FROM: Gerri L. Ratliff, Counsel to the Deputy Attorney General
Office of the Deputy Attorney General Room #4215
U.S. Department of Justice, Main Justice Building
Washington, D.C. 20530

FAX #: (202) 514-9077 Voice #: (202) 514 - 3392

THIS TRANSMISSION CONTAINS 11 SHEETS INCLUDING THIS SHEET

Special Note(s): Here is the INS naturalization letter delegating hiring authority to the District Directors. Jamie Gorelick asked that I make sure you get a copy. Please let me know if there is anything further you'd like me to do. thanks!

If any page (s) are missing, please call sender at the above voice number for re-transmission.

###

Subject Citizenship USA	Date MAR 26 1996 28.

To Edward McElroy
District Director, New York

Brian Perryman
Acting District Director, Chicago

Walter Cadman
District Director, Miami

Thomas Schiltgen
District Director, San Francisco

Richard Rodgers
District Director, Los Angeles

From Office of the
Deputy Commissioner

In the interest of augmenting our current efforts to eliminate the backlog of naturalization applications under Citizenship USA and its designation as a reinvention laboratory, I am delegating full authority to you to determine and utilize the most appropriate, expedient methods to recruit and hire temporary employees for this purpose.

Funding Increase: The five primary target districts participating in the Citizenship USA initiative are allocated funding increases, as displayed on the worksheets at Attachment 1. These enhancements represent a 20 percent increase over current Naturalization and Information and Records program funding levels already provided to the district offices in their base Fiscal Year (FY) 96 budgets, as well as that provided through the FY 96 Exams Fee Reprogramming.

Flexibility in Spending: Each of you has discretionary authority to switch funds in your naturalization budget between PS&B and GE lines, as needed, to accomplish initiative goals and objectives. Please note that the regional offices will continue to hold PS&B funds on your behalf. Regional staff will execute any necessary transactions for this purpose upon your notice.

District Directors should develop operating plans to achieve the stated goals and objectives of Citizenship USA. Please submit copies of these plans to the Regional Directors and the HQ Citizenship USA project office for their reference.

Form G-2
(Rev. 1-2-48)

28.

Hiring: The objective is to hire additional, temporary District Adjudications Officers, GS-5/7/9, and Applications Clerks, GS-4/5, as quickly as possible. Consider using shift work, overtime, and other alternatives. You should determine the specific numbers of employees or contracted clerks your enhanced budget will permit.

It should be noted that district offices are not authorized to convert any temporary positions into permanent positions. Do not allow Full-Time Equivalent (FTE) considerations to constrain your recruiting and hiring of temporary personnel in support of this initiative. Should you have available resources (PS&B or GE), you may exceed your FTE ceilings. The Office of Budget has determined that in the event that the INS were to exceed its FTE ceiling in FY 96, the Department of Justice and INS would ensure that these FTE were covered.

It is imperative that you begin recruitment at once. Appointments to these Citizenship USA positions should not exceed 6 months, however, the appointments may be extended at a later date. Based on our review, you may want to staff positions using one or a combination of the following options:

a - detailing employees from other Federal agencies;
b - hiring reemployed annuitants with waiver of annuity offset;
c - using District resources coupled with expedited procedures for new temporary hires;
d - requesting Administrative Center support coupled with expedited procedures; or
e - using Office of Personnel Management (OPM) support services.

Steps and estimated timetables for options c-e above are listed in Attachment 2. Funding for OPM recruitment services will be provided centrally by Headquarters. Representatives from the National Performance Review team are exploring availability of non-reimbursable details from other Federal agencies to augment the number of personnelists you may need for this project.

Drug Testing: To expedite drug testing under the Citizenship USA project, the contractor will provide you with the kits and custody documents to be given to selectees. You can then send the individual directly to the designated collection site, which eliminates trying to locate the selectees after they leave your office. See Attachment 3 for more details.

Personnel Security: A special security process will be used to screen applicants for the temporary District Adjudications Officer and Applications Clerk positions. In these procedures, the District receives and reviews the required security package. The security package will contain a security form (SF-86 or SF-85P) and OF-306, and two SF-87A fingerprint charts, which the District will immediately complete for each selectee and forward to HQ Security for processing. The District will retain a copy of the security form and complete the employment and personal reference checks (within 10 days). Based on the receipt of the security form and fingerprint charts from the District,

28.

HQ Security will enter the applicant into PERSECS, complete a credit check, request FBI checks, and request an OPM background investigation. The District will notify HQ Security of the results of the employment and personal reference checks. If all of the above checks are favorable, HQ Security will notify the District that a waiver has been approved, and the District can then make a final offer of employment and set an enter-on-duty (EOD) date. This entire process can be completed within 10 calendar days. No applicant may be granted Security EOD approval until successful completion of all phases of the waiver process, i.e., review of security form (SF- 86 or SF-85P) FBI fingerprint check, credit check, and employment and personal references checks. Attachment 4 fully describes the security process.

Contracting Out: Offices should not contract out for these Adjudication Officers without further notice.

If you have any questions, points of contact are Budget (Field Operations) - Joe Moore (202) 305-4689; Personnel - Nancy Weiss (202) 514-0896; and Security - Gloria Scott (202) 514-4985.

Chris Sale

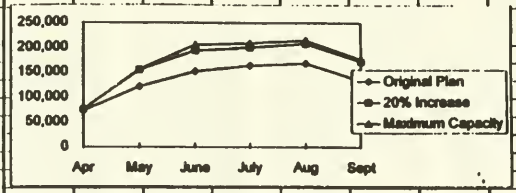
Chris Salo
Deputy Commissioner

Attachments

cc: Regional Directors

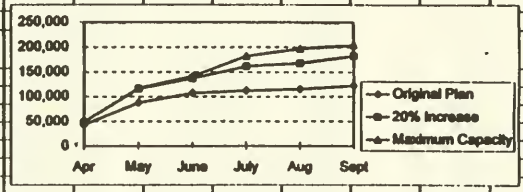
Interviews to be conducted

	Original Plan	20% Increase	Maximum Capacity	Running Total
Apr	72,276	75,197	75,197	75,197
May	120,700	153,948	155,356	229,145
June	151,200	193,512	204,920	422,857
July	162,960	200,044	206,852	622,701
Aug	167,560	207,644	214,452	830,345
Sept	132,000	171,212	175,520	1,001,557
Total	808,896	1,001,557	1,034,297	
Additional Production		184,661	32,740	

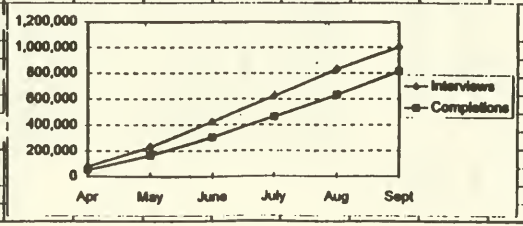


Projected Completions (Closed-out in MACS)

	Original Plan	20% Increase	Maximum Capacity	Running Total
Apr	42,915	48,615	48,615	48,615
May	88,121	116,075	117,175	164,690
June	107,470	137,280	141,620	301,980
July	112,171	161,755	161,975	463,735
Aug	115,481	167,845	167,085	631,580
Sept	122,175	182,675	204,275	814,255
Total	588,313	814,255	890,725	
Additional Production		225,942	76,470	



	Interviews	Completions	Pending Cases
Apr	76,197	48,615	662,622
May	229,145	164,690	580000
June	422,857	301,980	550000
July	622,701	463,736	540000
Aug	830,345	631,580	530000
Sept	1,001,557	814,255	482000



28.

Subject: Re: INS
Author: Albert Gore at OVPNOTES
Date: 3/27/96 2:55 PM

28.

Was that $10 bet about Kelly Girls? I'm having trouble remembering that part of it.

To: Albert Gore, Elaine C. Kamarck, bob stone at npr @ CCMAIL, Laurie Lyons at npr @ CCMAIL
cc:
From: doug farbrother at npr @ CCMAIL
Date: 03/26/96 11:00:00 PM
Subject: INS

Today Chris Sales delegated hiring authority to the five cities and increased their budgets by 20%. She also streamlined the background clearance process some but still anticipates a month and a half to two months to get people on board.

At the same time, she expressly prohibited the most promising way we had of getting good interviewers on board fast -- using temporary service agencies (like Kelly girls). We found some that specialize in supplying young lawyers -- bright young people whose records are clean enough to have recently passed the bar. Her lawyer was concerned that this is too much a "governmental function" to use contractors. I can think of several ways around that problem.

If this were the early days of reinvention, I'd recommend INS for a hammer award. But it is the waning months of the first term and I still don't think the city directors have enough freedom to do the job. The more they have to contend with headquarters, the fewer citizens they'll produce. Sorry, Elaine, you owe me $10.

I recommend that you ask Doris Meissner to give the five city managers -- experienced SESs every one -- the authority to decide:

- whether or not to use temp services
- how much background checking to do on their people
- which INS rules and regs should be waived.

I'm meeting with other agency managers in LA and San Francisco this week, trying to get them to donate people. I'll let you know how that goes.

29.

doug farbrother at npr @ CCMAIL
09/19/96 09:43 AM

To: Deb Smith
cc:
Subject: Re: Re[2]: INS

New Forward Item:

---------- Forwarded ----------
From: Albert Gore at OVPNOTES
Date: 3/28/96 7:02PM
To: doug farbrother at NPR
Subject: Re: Re[2]: INS

New Text Item: Re: Re[2]: INS

We'll explore it. Thanks.

To: Albert Gore
cc: Elaine C. Kamarck, bob stone at npr @ CCMAIL, Laurie Lyons at npr @ CCMAIL
From: doug farbrother at npr @ CCMAIL
Date: 03/28/96 03:31:00 AM
Subject: Re[2]: INS

New Text Item: Re: INS

No sir, the bet was not just about Kelly Girls. I had bet Elaine that INS headquarters would not give their managers in Los Angeles, San Francisco, Chicago, New York, and Miami enough authority, in general, to make me confident they could produce a million new citizens before election day. Unfortunately, I was right.

What the five city managers need is complete authority to waive any INS rule, provided they stay within the law. That's not at risky as it might sound. The people in charge of the five cities are very experienced and very conservative. I couldn't get them to take big chances if I used a gun.

The kind of broad delegation I want has precedent; GSA and Commerce have both given that authority to their Reinvention Labs -- and not a single thing has gone wrong.

Here's the sort of thing that could go right if INS would give its front line managers that authority.

- They could get workers on the job quickly; they could run a "help wanted" ad in the local paper, interview and hire people on the spot, start training them the next day, and simultaneously run a quick National Agency Check on them to see if they have a record. That is precisely what the National Archives's Federal

29.

-- ... their employees handle the very same INS files in the very same building with the INS operation south of LA.

But INS headquarters is still insisting on a hiring and clearance process that will take well over a month to get people on board -- THEN they plan to do background investigations just like the Defense Department does for top secret clearance -- investigations that won't be finished until after the project is complete and the people are off the roles -- investigations that cost thousands of dollars each that could be spent processing citizens.

Speed in hiring and clearance is a VERY BIG deal because INS is experiencing high attrition in these temporary jobs.

- Local managers could choose to use temp services (here's the Kelly Girls). Contracts are already in place, and good, reliable people could be on the job in a few days. Even "inherently governmental functions," like citizenship determinations can be handled by contract workers under the proper supervision.

- The five city managers could stop wasting time and manpower following obsolete regulations. For example, INS regs require that every naturalization certificate be Xeroxed and a hard copy put in the archived file, even though a computer record exists. Here's another: clerks have to keep a handwritten ledger of every greencard that's collected at the swearing-in ceremonies, even though the cards are shredded and, again, there is a computer record. I've heard lots of examples like these from the field managers and dozens more would surface if they had authority to change things.

The way it is now, to get relief from obsolete rules, the field managers have to play "Mother may I?" with headquarters -- and the answer is so often "No, you may not." that they eventually give up.

- They could do some simple automation. For example, each naturalization certificate has a photo glued to it, embossed by hand (like a notary public seal), and stamped with Doris Meissner's signature. That all takes a lot of time, money, and manpower that could be devoted to interviewing applicants. But headquarters is slow to adopt digital photos (like you have on your driver's license) and they won't permit Doris's signature to be digitized so that it can be laser printed instead of stamped on the certificates. Lots of modern technology could be locally grafted to the centrally programmed system if headquarters would allow it.

I could go on. But the point is that, unless we blast INS headquarters loose from their grip on the frontline managers, we are going to have way too many people still waiting for citizenship in November.

I can't make Doris Meissner delegate broad authority to her field managers. Can you?

30.

doug farbrother at npr @ CCMAIL
09/19/96 09:32 AM

To: Deb Smith
cc:
Subject: In case we don't connect by phone,

New Forward Item:

---------- Forwarded ----------
From: doug farbrother at npr
Date: 3/29/96 12:37PM
*To: Elaine C. Kamarck at BOP_OVP
*To: bob stone at npr
Subject: In case we don't connect by phone,

New Text Item: Text_1

here are two ideas:

To blunt any charge that we are running a citizenship/Clinton voter mill, I am working with the FBI to find a way to tighten up the ridiculously loose fingerprint check system, i.e. INS doesn't know who's prints they have, the prints are often too smudged for the FBI to read, and INS simply assumes that everything is okay if they hear nothing from FBI (which is 90% of the time). A breakthrough here will look good to the anti-alien lobby.

Rather that having me appear to be working against Doris, put me to work for her. Move Chris Sales into another job (like Deputy Director for Programs at the NPR) and make me the INS Deputy Commissioner. From there, I could do more, faster. And I could solve the airport problems too.

Priority: Normal
TO: Doug Farbrother
CC: Elaine C. Kamarck at EOP_OVP
Subject: Re: INS

31.

---------- Message Contents ----------

yes--unless Doris comes to see you as her person, or unless she gets appointed ambassador to Ruritania

---------- Reply Separator ----------

Subject: INS
Author: doug farbrother at npr
Date: 4/1/96 7:53 PM

I made some progress getting the INS offices some help from other agencies in LA and Frisco, but they are still getting way too much interference from headquarters. Am I going to have keep dragging that ball and chain toward the finish line?

31.

Author: Terrance M O'Reilly at HQBOR
Date: 5/29/96 11:47 AM
Priority: Normal
TO: Jim C Booe at WRO-003
TO: Lani A Camilli at ERO-002
TO: David L Roark at SRO-001
Subject: Potential Detailees from the Dept. of Energy
---------- Message Contents ----------

Our friends at the NPR have been out recruiting government agencies for employees who are either being RIFed or are planned to be part of a furlough. Under any such plan, INS would pick up salary cost up to our highest journeyman grade in CUSA and INS would pick up detail cost. The giving agency would would continue to pick up benefit cost and any salary cost over and above what we would pay.

The Department of Energy is going to be furloughing people this year and they have come up with 57 volunteers (both clerical and officer types). They have given their preferences as to where they would like to be detailed and most are on the west coast.

We have also had inquiries from the Selective Service regarding making people available, although there have been limited discussions nothing has been agreed upon.

This E-Mail is an informal communication to see if any of the regions may need more detailees. We could also bring these people on board and let the Service Center detailees go back to their duty station.

Please provide me with your thoughts.

Terry

Memo for President Clinton 32.

Subject: Improving Service for Citizenship Applicants

You asked us to expedite the naturalization of nearly a million legal aliens who have applied to become citizens. INS had begun last year gearing up to process the growing backlog of applicants but, largely because of bureaucratic delays, has not made much of a dent in it yet.

Members of my National Performance Review staff have been working to remove the bureaucratic roadblocks so that INS offices in Los Angeles, San Francisco, Chicago, New York, and Miami can quickly double or triple their production. Examples of the roadblocks include: hiring procedures that were taking months followed by employee background investigations that were taking more months (we have now speeded it all up some), prohibitions against using temp agencies, time-wasting procedures requiring paper records that duplicate computer records, cumbersome centralized control over computer systems, the list goes on. Hardly any of the roadblocks are statutory; we have the administrative authority to remove most them.

But, INS Commissioner Doris Meissner warns that if we are too aggressive at removing the roadblocks to success, we might be publicly criticized for running a pro-Democrat voter mill and even risk having Congress stop us. Indeed, many of the roadblocks originate with her own INS staff -- people who might well complain if we waive the regulations and procedures they have created and followed for years -- people whose complaints might seem credible to the public.

I see two options:

Option 1. To get anywhere near a million applicants naturalized before the summer is out, we are clearly going to have to force some serious "reinvention" on INS. I believe we can reduce -- but not eliminate -- the risk of controversy over our motives by appointing one of our proven NPR reinventors as Deputy INS Commissioner (the current deputy could be useful elsewhere in the administration -- with Barry McAffry, for example.) As part of the official INS management team, our reinventor would have

more direct influence and the INS staff would be less likely to go public with complaints than they would over the interference of an outsider. 32.

We should be putting proven reinventors into lots of agencies anyway. Having people who don't "get it" in top jobs has turned out to be ReGo's number one stumbling block.

Option 2. Our other option is to avoid any controversy over speeding up naturalization by letting the standard bureaucracy do the best it can. We will, of course, lend whatever help we can within the system. INS will be able to gear up production slowly, but a lot of people will still be waiting for their citizenship papers for a long time.

Last week in NY they didn't do any interviews because they were told to go through Pending files - see if they could put extra [illegible] ---

1) Have Island Shipyard in S.F. has 705 people in confidential clearance

2) Stuck in train 1 b/f clearance process is done

To:	**Elaine Kamarck**	**Time:**	**14:46:24**
From :	**Doug Farbrother**	**Date:**	**04/10/96**
Subject:	**Microsoft Word - INSCLTN.DOC**		
Pages (including cover):	**5**		

Here's my draft of the INS option paper

32

file : INS

32.

Memo for President Clinton

Subject: Improving Service for Citizenship Applicants

You asked us to expedite the naturalization of nearly a million legal aliens who have applied to become citizens. INS had begun last year gearing up to process the growing backlog of applicants but, largely because of bureaucratic delays, has not made much of a dent in it yet.

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But, INS warns that if we are too aggressive at removing the roadblocks to success, we might be publicly criticized for running a pro-Democrat voter mill and even risk having Congress stop us. Indeed, many of the roadblocks originate with the INS staff — people who might well complain if we waive the regulations and procedures they have created and followed for years — people whose complaints might seem credible to the public.

This paper describes the pros and cons of several controversial actions that we could take to expedite processing. We'd like your guidance.

Lower the standards for citizenship: The basic standards are in law — years of residency, basic knowledge of English and Civics, and good moral character — and we wouldn't change those. But INS adjudicators have broad latitude to interpret those standards and decide who meets them. INS management has already begun training new adjudicators; and "re-educating" the older ones, to be more liberal.

About 75% of applicants are approved at the first interview. Another 15% are eventually approved after they study English and Civics longer or bring in more documentation supporting their good moral character. Some of this 15% could be approved quicker if the adjudicators were more liberal.

On the other hand, experienced adjudicators may object publicly to interference with their judgment. In fact, charges that we are lowering

32.

standards appeared recently in *USAToday* and were the subject of Dave Letterman's Top Ten List: Number one question on the new citizenship test, "Fill in the blank: U. S. __"

PRESIDENTIAL GUIDANCE: YES _____
NO _____
OTHER

Delegate authority to local managers: A basic cause of processing delays in the five cities is the constant interference of INS headquarters, all with the best of intentions. This problem is not unique to INS; it's one of the key challenges of government reinvention. Examples of the INS roadblocks include: hiring procedures that were taking months followed by employee drug tests, fingerprint and credit checks, and in-depth background investigations that were taking more months (we have now speeded it all up some), prohibitions against using temp agencies, time-wasting procedures requiring paper records that duplicate computer records, cumbersome centralized control over computer systems, the list goes on.

One quick solution is to delegate to the senior INS managers in the five cities broad authority to waive headquarters rules. It's not as risky as it sounds. Several agency heads, including the Chief of Naval Operations, have delegated that kind of authority without embarrassment or ill effects. In fact, the five INS field managers are such experienced and conservative people that we would have to keep encouraging them to use their new authority boldly.

However, there will likely be criticism from the headquarters staff and their counterparts on the Hill that "things are out of control."

PRESIDENTIAL GUIDANCE: YES _____
NO _____
OTHER

Put headquarters to work: The most immediate problem in the field is that they don't have enough people processing the applications; each city could

32

use another 100-200 people immediately. Meanwhile, there are 1,800 people in INS headquarters, busily guiding the field.

We could detail 500 or more of the headquarters employees (rotating them monthly) to the five cities to process citizenship applications. The cost of their travel and living allowances would be offset by savings from not having to hire and do background checks on additional temporary workers. INS has detailed headquarters people to the field on a smaller scale in the past.

The advantage is getting people on the job without the delays of recruiting, hiring, and background checking. The downside is that enough headquarters people might not want to go. And, of course, those that do go would leave their important headquarters work temporarily undone.

PRESIDENTIAL GUIDANCE: YES _____
NO _____
OTHER

Use legal services temp agencies: There are temp agencies that specialize in supplying young lawyers. We could procure their services quickly through temp agency contracts already in place. They would be an excellent source of bright, energetic workers of good character. As contractor employees, they could not make the final decision granting citizenship — that is a governmental function that must be done by a government employee. But they could interview the applicants, test their knowledge of English and Civics, check the FBI report, and make a recommendation that would be approved by a government employee. That process could handle the vast majority of applicants who qualify easily.

To use legal services temp agencies effectively, we would have to waive OPM rules that limit duration to three months for the total project and 45 days for any individual lawyer; federal employee unions are sensitive about these rules. We would also accept the lawyers' recent admission to the bar as evidence of their trustworthiness, and skip the usual checks INS does on new employees.

PRESIDENTIAL GUIDANCE: YES _____
NO _____

32.

OTHER

Make more money available: If we succeed in gearing up the process dramatically soon, we will need to make more money available before the end of the fiscal year. The cost of processing citizenship is covered by application fees, not appropriated funds. But Congress still gets in on the act. The fees go into a receiving account (which now contains $TK million) and cannot be transferred into a spending account until INS has notified Congress and waited 15 days. At least, that is the legal requirement. The practice has been to wait as long as it takes to gain the written approval of the appropriation committees; the last time took four months. Requiring that kind of Congressional approval of Executive Branch decisions was ruled unconstitutional by the Supreme Court decades ago, ironically in the case of *Chadda vs. INS*.

If we need more money quickly, we could begin spending 15 days after notifying Congress of the transfer. But breaking with the unconstitutional tradition of waiting for committee aproval, which is the common practice between all agencies and their appropriation subcommittees, will really raise hackles on the Hill. Retaliation would probably take the form of stringent new controls in next year's appropriation bills. We can fight that kind of thing with line item vetoes but, creative minds on the Hill will search for some way to get even.

PRESIDENTIAL GUIDANCE: YES _____
NO _____
OTHER

32.

Improving Service for Citizenship Applicants

You asked us to expedite the naturalization of nearly a million legal aliens who have applied to become citizens. INS had begun last year gearing up to process the growing backlog of applicants but, largely because of bureaucratic delays, has not made much of a dent in it yet.

Members of my National Performance Review staff have been working to remove the bureaucratic roadblocks so that INS offices in Los Angeles, San Francisco, Chicago, New York, and Miami can quickly double or triple their production. Hardly any of the roadblocks are statutory; we have the administrative authority to remove most them.

But, INS warns that if we are too aggressive at removing the roadblocks to better service, we might be publicly criticized for running a pro-Democrat voter mill and even risk having Congress stop us. Indeed, many of the roadblocks originate with the INS staff — people who might well complain if we waive the regulations and procedures they have created and followed for years — people whose complaints might seem credible to the public.

This paper describes the pros and cons of five controversial actions that we could take to improve service. We'd like your guidance.

1. Delegate authority to local managers: A basic cause of delays in the five cities is the constant interference of INS headquarters, all done with the best of intentions. This problem is not unique to INS; it's one of the key challenges of government reinvention. Examples of the INS roadblocks include: hiring procedures that were taking months followed by employee drug tests, fingerprint and credit checks, and background investigations that were taking more months (we have now speeded it all up some), prohibitions against using temp agencies, time-wasting procedures requiring paper records that duplicate computer records, tight control of computers, the list goes on.

One quick solution is to delegate to the senior INS managers in the five cities broad authority to waive headquarters rules. It's not as risky as it sounds. Several agency heads, including the Chief of Naval Operations, have delegated that kind of authority without embarrassment or ill effects. In fact, the five INS field managers are such experienced and conservative people that we would have to keep encouraging them to use their new authority boldly.

However, there will likely be criticism from the headquarters staff and their counterparts on the Hill that "things are out of control."

GUIDANCE: YES ___ _____
NO ___ _____
OTHER

32.

2. Put headquarters to work: The most immediate problem in the field is that they don't have enough people processing the applications; each city could use another 100-200 people immediately. Meanwhile, there are 1,800 people in INS headquarters, busily guiding the field.

We could detail 500 or more of the headquarters employees (rotating them monthly) to the five cities to process citizenship applications. The cost of their travel and living allowances would be offset by savings from not having to hire and do background checks on additional temporary workers. INS has detailed headquarters people to the field on a smaller scale in the past.

The advantage is getting people on the job without the delays of recruiting, hiring, and background checking. The downside is that enough headquarters people might not want to go. And, of course, those that do go would leave their important headquarters work temporarily undone.

GUIDANCE: YES_____
NO_____
OTHER

3. Get other agencies to pitch in: In the five cities where INS needs the most help, other federal agencies like IRS, VA, and Social Security have large numbers of employees. We have asked them to detail some of their workers to INS. So far, we haven't gotten many, even when INS offered to pay. The other agencies all have work of their own to do.

If *you* asked the Cabinet and other agency heads, they might be more willing to detail people to INS. But, we might also get accused of slowing down tax refunds, veterans benefits, and social security payments.

GUIDANCE: YES_____
NO_____
OTHER

4. Use legal services temp agencies: There are temp agencies that specialize in supplying young lawyers. We could procure their services quickly through temp agency contracts already in place. They would be an excellent source of bright, energetic workers of good character. As contractor employees, they couldn't make the decision granting citizenship — that is a governmental function that must be done by government employees. But they *could* interview the applicants, test their knowledge of English and Civics, check the FBI report, and make a recommendation that would be approved by a government employee. That process could handle the vast majority of applicants who qualify easily.

32.

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GUIDANCE: YES _____
NO _____
OTHER

5. Make more money available: If we succeed in gearing up the process dramatically soon, we will need to make more money available before the end of the fiscal year. The cost of processing citizenship is covered by application fees, not appropriated funds. But Congress still gets in on the act. The fees go into a receiving account (which now contains $TK million) and cannot be transferred into a spending account until INS has notified Congress and waited 15 days. At least, that is the legal requirement. The practice has been to wait as long as it takes to gain the written approval of the appropriation committees; the last time took four months. Requiring that kind of Congressional approval of Executive Branch decisions was ruled unconstitutional by the Supreme Court years ago, ironically in the case of *Chadha vs. INS*.

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GUIDANCE: YES _____
NO _____
OTHER

33.

Memorandum to the Vice President
From: Elaine
Re: Lunch with the President and INS progress
Date: April 4, 1996

As you know, following on the assignment from the President to look into the citizenship backlog, I sent Doug Farbrother on the road to each of the offices where the backlog was most severe. He found a set of extensive bureaucratic obstacles such as:

- hiring procedures that were taking months followed by background investigations that were also taking months,
- time-wasting procedures that use paper records to duplicate computer records and,
- cumbersome centralized control over computer systems.

None of the obstacles identified were statutory; all were bureaucratic and stemmed from a highly centralized internal administrative system at INS.

We have concentrated on removing the internal obstacles so that INS could hire the temporary INS agents they were authorized by Congress to hire in January. At our suggestion INS is:

- streamlining the full background investigation;
- using lists other than those generated by OPM here in Washington in order to hire from (these lists tend to be obsolete quickly);
- sending 5 OPM personnelists directly to the affected cities to process the applications quickly;

With these changes INS estimates that they can get an additional 200 agents on the job in the 5 key cities by the third week in April.

33.

In addition, INS is:

• making arrangements to hire federal workers from other agencies. This is very important since these workers already have security clearances and are apt to be of a higher quality . So far IRS in San Francisco, DOE in Illinois and Los Angeles, SSA in New York have offered federal employees as details, either on a full time or on an overtime basis;

• moving $200,000 in extra money to each city to be used, at the discretion of the Director, to help with the backlog.

The most immediate problem has been getting the agents hired that INS is allowed to hire. There is no excuse for this other than pure bureaucratic inertia. INS has also asked the field for plans as to how they would work to the full capacity of their physical plant. That means seeing applicants seven days a week and during expanded office hours (probably 10 to 12 hour days.)

Only by working 7 days a week and longer hours can we hope to make a significant enough dent in the backlog that it will show up when it matters.

There are other, more dramatic steps that could be taken. But as of this date, INS can't tell us the exact nature of the backlog. We have sent Steve Butterfield over there (he runs our data base at NPR) to redesign their system. Doug has also come up with a list of more radical ideas to use but these ideas are not without their political downsides. I had asked Doris to prepare a decision memo to the President that would list these steps and give the pros and cons. Given that her husband has just died much of this is now up in the air.

ELAINE KAMARCK

34.

To the V.P.

Thought you might like to see the response from Father Vega. He seems very pleased with you.

Elaine

cc: Doug Fairbrother

34.

SOUTHERN CALIFORNIA I.A.F. NETWORK
ACTIVE CITIZENSHIP CAMPAIGN
*SCOC *UNO *EVO *VOICE
770 S. ARROYO PARKWAY, SUITE 115,
PASADENA, CALIF. 91105
TEL. 818-584-4774 FAX 818-584-8772

4/24/96

Elaine Kamarch
Office of the Vice President
The White House
Washington D.C. 20050

Elaine Kamarch,

Thank you for your assistance in our six month battle to recreate the Immigration and Naturalization Service. Although there is still much that needs to be done, your assistance has assured significant victories. With your support, the IAF's Active Citizenship Campaign pressured INS to:

- streamline the hiring process of officers so that they are hired locally and not through DC
- increase the outreach staff from one team to three teams
- commit an additional $1,000,000. to eliminate the backlog
- extend week day hours interviews
- initiate Saturday interviews
- and reduce the waiting time for applicants from one year to six months.

Ellian Kamarch on May 1, 1996 at Our Lady of Lourdes Parish in Los Angeles, District Director Rogers has agreed to meet with 1000 leaders of the Active Cjtizenship Campaign. At that time, ACC leaders will ask for a commitment from Mr. Rogers to eliminate the current backlog of 229,000 applications by September 30, 1996. In a pre-meeting, Mr. Rogers hinted that he is predisposed to make that public announcement. In exchange ACC has agreed to suspend public actions unless the INS does not hold up their side of the deal. This victory could mean as many as 229,000 new citizens voting in Los Angeles this November. Our operations in San Francisco, Chicago and New York report the same commitment being made. Nationally some 800,000 will become citizens in time for the election.

Much is still left to be done. The IAF's Active Citizenship Campaign will continue its efforts to insure that applications submitted before July 4, 1996, will be adjudicated in time to vote in November. In addition, INS officials have made a request to Washington DC for an additional 20% more resource to deal with the backlog. ACC supports this request. I request your assistance in this area with Commissioner Meissner.

Sincerely yours,

Fr. Miguel Vega
Director Active Citizenship Campaign

35.

HQ 70/33

Subject	Date
Naturalization Process Changes	MAY - 1 1996

To All Regional Directors
All District Directors
All Officers-in-Charge
All Service Center Directors
All ADDEs

From Office of Examinations

Since naturalization was identified as a major reinvention effort in April, 1995, the Service has undertaken a complete review of the naturalization process and identified areas which can be streamlined to increase our ability to provide more efficient and effective customer service to naturalization applicants.

To achieve maximum results in the quickest time period and to improve the quality of our work, we have developed guidelines for streamlining the naturalization process. These guidelines are based on numerous discussions and meetings of Service field staff, regional offices and Headquarters as well as outside subject experts, community-based organizations, and focus-groups. The recommendations of new ideas and innovative procedures that have resulted from such discussions have been tested at various Citizenship-USA pilot sites with remarkable results. In view of the successes of the pilot sites, our desire is to expand these new initiatives Servicewide to all offices.

The attached memorandum highlights these guidelines for the streamlined naturalization process. Most of the action items can be implemented immediately. Others that have major long-term effects may take longer to implement. Service personnel are encouraged to follow these guidelines and modify them as necessary, in keeping with the stated goals of the initiative as well as to fit the particular needs of each office. However, to ensure consistent implementation of general policy guidelines, district offices are required to notify the Office of Field Operations (HQOPS) and the Benefits Division (HQBEN), through the appropriate channels, of any modification that they wish to undertake.

It should be noted that in the search for these solutions, every effort has been made to ensure consistent treatment of all applicants and to protect the integrity and dignity of the naturalization process.

Louis D. Crocetti
Associate Commissioner

Attachment

Form G-2

35.

NATURALIZATION PROCESS STREAMLINING INITIATIVES

A. SUMMARY CHART

B. CONTENTS

I. Application

II. Adjudication

III. Processing

IV. Oath Ceremonies

SUMMARY CHART

Naturalization Process Changes

To improve customer service and increase efficiency and effectiveness, we have identified procedural barriers in the naturalization process which should be eliminated quickly. Where the best solution to a problem cannot be implemented immediately, an interim solution has been proposed.

These issues have been identified in numerous discussions and meetings of INS field staff, regional offices and headquarters, as well as outside subject experts, community-based organizations and focus groups of applicants and INS naturalization personnel. The proposed solutions involve staff at all levels in a cooperative effort to streamline the process while maintaining consistent treatment of applicants and the integrity of the adjudications process.

Many of the recommended action items are already underway. If approved, these can be implemented on the fastest timetables possible. Some actions may take longer, but will have major long-term effects. Certain items will require other agencies to act in cooperation with INS

Problem	*Solution*	*Timetable*
Immediate Implementation - High Impact		
◆ Filing the application at the district office causes long lines, results in poor service, and uses personnel to receipt applications who could be shifted to interviewing and processing those applications.	◆ In four of the largest districts, applicants now mail paperwork directly to the Service Centers, expediting the processing and freeing up the time of district personnel for interviewing.	In effect - began 1/27/96.
	◆ Next week, we will begin a pilot using 2-D bar-coding and optical scanning, as a first step toward electronic filing. We will also form a users' focus group to develop a practical system quickly.	April 15
◆ Our existing procedure requires districts to wait 60 days for FBI to return fingerprint checks.	◆ We will establish the Nebraska Service center as a coordinating center for G-325A and fingerprint submissions and returns. This will allow us to shift from a standard 60 day wait period to wait periods based on actual FBI processing times.	April 15
	◆ *We will work with the FBI to reduce the current fingerprint processing time for benefit applications.*	April 8
◆ Procedures require that an office request an applicant's file and then wait 6 months before scheduling the applicant for an interview without the file.	◆ We will issue a memo permitting districts to wait only 30 days for a transferred file before proceeding to use a temporary file.	April 8

35.

SUMMARY CHART

◆ Current testing procedures for civics and English are time consuming and do not recognize alternatives to a formal test.	◆ We will investigate alternate ways a person can demonstrate the requisite knowledge - such as through obtaining a U.S. college or high school degree, with the check being their their ability to communicate in basic English at the interview.	April 8
	◆ We will develop guidance to encourage offices to give the written test to groups of persons.	April 8
	◆ We will publish a proposed regulation to expand formal private testing.	Third Quarter
◆ Interview scheduling will need to be recalibrated to take advantage of the time-shortening strategies outlined in this paper and a primary/secondary interview process.	◆ Guidance will be distributed, and unions will be consulted in the process.	April 8 - Guidance
◆ Printing naturalization certificates is a slow and frustrating process. We use an odd-size paper, requiring a special printer which frequently causes delays.	◆ We will order 8 ½ X 11 naturalization certificates so standard, laser printers can be used. *The Bureau of printing and Engraving has indicated that it would take approximately 3 months to make this change. We ask that the printing of these certificates be prioritized.*	Fourth Quarter
◆ Staff are required to collect green cards at ceremonies, to write down the numbers in a log book, to detroy some cards and to send others to the Texas card facility for other logging. The logging requirements are time consuming.	◆ The guidance memo will tell districts that they no longer have to log individual cards. They can destroy I-151's and can cut the corner from I-551's and forward to the ICF at the Texas Service Center for disposal.	April 8
Immediate Implementation - Medium Impact		
◆ The criteria used to determine "good moral character" are sometimes vague. Some practices are outdated, causing examiners to spend time questioning unrelated issues.	◆ We will issue a policy memorandum defining "good moral character" in clear terms. We will publish these requirements in a check list form, so applicants and examiners know the requirements.	April 8

1-004276

35

SUMMARY CHART

◆ Staffing ceremonies is a major drain on interview capacity; some districts virtually shut down on ceremony days so their staff can work the ceremony.	◆ We will clarify and expand the authority of districts to use volunteers and cooperating community groups to assist with non-secure aspects of the ceremonies. Districts will have the authority to procure help, in finding space, planning, and logistics.	April 15
◆ Offices are not sure what freedom they have in planning ceremonies to meet the required "dignity of the ceremony".	◆ We will issue a set of basic guidelines for ceremonies, along with ideas of "good practices" used in other offices, along with drafts of speeches. The guidelines will also clarify questions about businesses and organizations which wish to sponsor ceremonies.	April 15
Immediate Implementation - Low Impact		
◆ Our traditional methods of distributing forms and information to potential applicantsare inconvenient and time-consuming.	◆ We will develop a poster providing basic information about the 1-800 number for asking for forms by phone.	Third Quarter
	◆ We will prepare sample articles/announcements for placement in local ethnic media	Third Quarter
	◆ We will study at the possibility of contracting for forms distribution in community settings	Fourth Quarter
◆ Handing out individual certificates after the ceremony takes a lot of extra time.	◆ A clarification memo will remind districts that they have discretion and can choose to issues certificates during the cermony check-in, rather than waiting until afterwards.	April 15
Mid-Range Implementation - High Impact		
◆ The naturalization application form is too complex and confusing.	◆ We will continue our effort to re-invent the N-400 to make it clearer and easier to complete correctly. We will share our drafts with stakeholders and will use focus groups to terst the form. *If possible, we would like OMB to waive its time-consuming requirements.*	Aug. '96 Publication

1-004277

SUMMARY CHART

◆ There is a high rate of "re-interviews", caused in large part because applicants are not aware of specific documents to bring to the interview.	◆ INS will expand the interview notice to include more specific references to the documents a person should bring to the interview, specifically with regard to demonstrating "physical presence" where they have been abroad a significant period of time, to show name changes, or to demonstrate permanent residence.	April 15
◆ Some applicants express a desire to be sworn-in immediately upon approval, rather than waiting for a ceremony.	◆ Where INS has authority to swear-in citizens, we will work with districts to develop pilot methods for expedited small ceremonies which maintain the dignity appropriate to conveying citizenship.	April 15
◆ The naturalization computer system is slow and outdated.	◆ 1) For four districts, the Service Centers have taken over initial data entry, the longest part of the process. 2) We are hiring many additional clerks to handle the system updating and closeout. 3) We are developing a LAN-based replacement system, which will be piloted later this year.	Feb. 1, '96 Sept. '96
Mid-Range - Medium/Low Impact		
◆ When applicants come to the ceremony and claim they have lost their cards, they must fill out a special form. This makes the ceremony sign-in take longer.	◆ We will produce an attestation form to be sent out with the ceremony scheduling notice, so the applicant can bring it in already signed.	April 15

35.

35.

Part L Application
No. 1

Keeping Our Customers Informed

A vital part of the stepped-up Citizenship USA Initiative is to help our customers readily obtain current and accurate information on the naturalization process.

To assure that this priority is met, the Headquarters Benefits Division is developing the following items that can be disseminated to field offices, community-based organizations (CBO) and other entities, and in some cases, individuals seeking information about the naturalization process:

- Our naturalization pilot project is finalizing a poster stressing that applicants in the four key districts (LA, MIA, CHI, and NYC) must now file their N-400 at an appropriate Service Center; applicants are encouraged to call the 1-800 number for forms and information about where to file the N-400. The poster will be distributed to field offices, beginning in April 1996. In addition, a brochure will be packaged for printing and dissemination during the third quarter.

- News releases and flyers answering the most frequently asked questions on the naturalization process are being prepared for distribution to field offices, CBOs, and other entities during the third quarter. For example, questions range from how someone applies for citizenship, where forms can be obtained and where to file an application. The news releases are intended to provide accurate information to the public, prompting the submission of complete applications from persons eligible to seek the benefit. The Headquarters Public Information Office will prepare the news releases and pamphlets and distribute them to the field offices, which, in turn, will provide the items to the general public and local CBOs. The Customer Service Branch of HQBEN will assist in mailing the information materials to the CBOs.

35.

Part L Application
No. 2

N-400 Form Revision

The Service has determined that the current naturalization application form, N-400, is too complex, confusing and needs revision. As a result, a working group is revising Form N-400 to make it more user friendly. The revised Form N-400 will incorporate Forms N-600 and N-643 and include data collection for voter registration. We are currently investigating the possibility of using the N-400 data to produce a card size naturalization certificate and to support the Department of State in the issuance of United States passports. We are also reviewing the possibility of including an option which would allow the applicant to request a supplemental citizenship card. These are policy issues, however, which must be fully researched and addressed by the General Counsel's office before implementation.

HQADN is making an effort to ensure that the new N-400 will contain instructions that are explicit, clear, and easy to understand. Applicants will also be informed of what documents to bring with them to their naturalization interview to avoid unnecessary delays. Revision of the N-400 will be expedited for earliest availability. HQADN is targeting August, 1996 for publication of the revised N-400 for public comments.

35.

Part I. Application No. 3

Filing N-400 Applications

(A) Direct Mail.

The Service has determined that filing naturalization applications (N-400) at the district offices results in ineffective customer service and inefficient use of available resources. On January 31, 1996, the Service implemented Direct Mail in the Los Angeles, Miami, New York and Chicago Districts as part of the Citizenship USA initiatives. Use of Direct Mail will reduce processing times for adjudicating N-400s and enable the Service to provide applicants with more accurate information regarding their case status an efficient and expeditious manner. Direct Mail will also reduce the number of in-person visits to local Service offices, thereby improving the Service's ability to provide better customer service.

HQADN is in the process of expanding the Direct Mail program to include other types of applications, such as I-765, I-90, and I-485 for employment based applicants. These Direct Mail expansions will lessen data entry and processing burdens for all district offices and enable them to shift available resources to meet the demands for quicker interviews and more frequent oath ceremonies. The expansion of the Direct Mail Program is a continuing effort. HQADN is working diligently towards early implementation of full Direct Mail (DM III) and to convert all offices to CLAIMS. In DM III, all applications, with a few exceptions, will be mailed directly to Service Centers for receipting, data entry, and adjudication. Only those applications that require an interview will be referred to the field offices for decisions.

(B) 2-D Bar coding N-400.

As a first step toward electronic filing, the Service is piloting the 2-D barcode and optical scanning of the N-400 application through our naturalization pilot project in southern California. IRM and Western Region Customer Service staff are training personnel at a Los Angeles community-based organization (CBO) to key in information on N-400s with newly developed software featuring the 2-D barcode. The CBO training will also help INS identify and correct problems in the barcode and scanning software. In mid-April, the CBO will begin filing the bar-coded applications directly with the Western Service Center where the forms will be scanned optically.

This streamlined Direct Mail system is intended to reduce initial clerical data entry, which will cut production costs, decrease keying errors, and expedite the application process. Interviews will be scheduled and conducted at appropriate local office sites.

To enhance the development of a practical, expanded 2-D barcode system, a Users Group of INS staff and our customers is being formed to implement the new process at other Service Centers during the fourth quarter and make the 2-D barcode specifications available to potential users.

35.

Part II. Adjudication
No. 1

Informing Applicants of Documentation Required At Interview

Currently, naturalization applicants are rescheduled for interviews if they fail to provide Adjudications Officers with documentation necessary to conduct the interview. Often the naturalization applicant could have provided the required documentation if he or she had prior knowledge that such documentation was necessary. Advising applicants for naturalization prior to interview of the documentation they may be required to submit at the interview can reduce the number of "re-interviews."

In addition to the documentation specified in the instructions on the N-400 application, applicants should be advised to bring the documents noted on the attachment to their interview.

Offices are urged to begin sending naturalization applicants this documentation list with the notice of interview as soon as possible. Offices that are not on NACS can attach this documentation list directly to the notice of interview. Those offices that are currently on NACS may either send the attached notice with the NACS mailer or separately. In the meantime, HQBEN is diligently investigating the possibility of having the notices of interview (including the listing of required documentation) printed at the Service Adjudication Centers. Hopefully, such notices of interview could be completed in the next six to eight weeks.

Part II. Adjudication
No. 1 Attachment

35.

Please bring your Alien Registration Card (permanent resident card) and/or other travel documents with you to your interview. In addition, experience has shown that a significant number of naturalization interviews have to be continued, and the person brought back for a second interview, because additional documents are needed. The following checklist is designed to help you determine what to bring to your interview. We recommend you complete and bring the checklist and the associated documents with you to your interview to avoid the need for a second interview.

1.	Is your current name different from that shown on your Alien Registration Card? (If Yes, bring a copy of the marriage certificate, divorce decree, court order or other document that changed your name.)	☐ Yes	☐ No
2.	Have you passed a standardized naturalization test? (If Yes, bring the original test score notice.)	☐ Yes	☐ No
3.	Did you attend for at least 2 years and graduate from a U.S. high school or receive a bachelor's, master's or doctoral degree from a U.S. based college? (If Yes, bring a copy of your diploma.)	☐ Yes	☐ No
4.	Since you became a permanent resident, have you been outside the U.S. for 12 or more months on a single trip? (If Yes, bring evidence to establish that you retained your residence, such as mortgage or lease agreements and your U.S. tax returns (the original plus a photo copy) for that period.)	☐ Yes	☐ No
5.	Since you became a permanent resident, have you been outside the U.S. for a total of 24 months in the past 5 years (or 12 months if you are applying for naturalization less than 5 years after you became a permanent resident)? (If Yes, bring your passport and a list of any trips not shown on your application. Include the dates you left and duration of each trip.)	☐ Yes	☐ No
6.	Have you been arrested within the 5 years before you filed for naturalization, or since you filed? (If Yes, bring a certified copies of court orders or final dispositions for each such arrest.)	☐ Yes	☐ No
7.	Have *you ever* been arrested and charged with a felony? (If Yes, bring a certified copies of court orders or final dispositions for each such arrest.)	☐ Yes	☐ No
8.	Within the 5 years before, or since you have filed your application, have you ever failed to pay any required alimony or child support on time? (If Yes, bring copies of canceled checks, money order receipts and bank drafts showing your payment record, along with copies of any court or government orders, ordering or relating to the required payment.)	☐ Yes	☐ No
9.	Since you became a permanent resident, have you ever failed to file a federal, state or local income tax return, or do you currently owe back taxes, or have you ever claimed to be a nonresident on an income tax form? (If Yes, bring copies of any correspondence relating to those returns, and, if you did not file, a full explanation why you did not file.)	☐ Yes	☐ No
10.	Are you a male and did you become a lawful permanent resident prior to the age of 26? (If Yes, bring proof you are registered with the Selective Service, if applicable.)	☐ Yes	☐ No
11.	Have you been a lawful permanent residence for less than 5 years and did you apply for naturalization based on the fact you are married to a U.S. Citizen? (If Yes, bring evidence that your husband or wife is a U.S. Citizen (such as a birth certificate, passport or naturalization certificate) and a copy of your marriage certificate. If you did not receive your permanent residence based on your marriage to a U.S. Citizen, also bring evidence showing that all your prior marriages or all your husband or wife's prior marriages were legally terminated (such as divorce decrees or death certificates)).	☐ Yes	☐ No
11A.	Are you and your U.S. Citizen spouse currently separated or *not* living together? (If Yes, (you are not living together), bring evidence of your continued relationship as husband and wife, such as a copy of your joint tax return and evidence of joint assets such as bank accounts and joint liabilities such as mortgages or credit cards.)	☐ Yes	☐ No
12.	Did you apply for naturalization based on your service in the U S. military? (If Yes, bring a copy of your Military Discharge Certificate, DD-214.)	☐ Yes	☐ No

35.

Part II. Adjudication
No. 2

Good Moral Character

An applicant for naturalization must establish that he or she is a person of good moral character (GMC). Although good moral character is not specifically defined, it has been interpreted to mean a person's adherence to the moral standards of the average citizen in the community in which the applicant resides.

District Adjudications Officers (DAO) must make a determination whether the applicant possesses the requisite GMC for purposes of naturalization. In making this determination, DAOs should primarily focus on the 5-year statutory period prior to filing of the N-400 application. Part 7 of the N-400, entitled Additional Factors of Eligibility, has 15 questions which contain most of the grounds for finding a lack of GMC. In addition, DAOs should always ask the applicant the following questions, if applicable:

1. Have you ever failed to pay, or refused to pay, alimony, or failed to comply with a court order to pay alimony?

2. Have you ever failed to pay, or refused to pay, child support or failed to comply with a court order to pay child support?

If an applicant admits to having committed or been arrested, sentenced, or convicted for any crimes or offenses in violation of the law, or if the file contains evidence of any crimes or offenses, DAOs must focus on the number and type of offenses to determine whether the applicant lacks GMC based on this evidence.

DAOs should note that a person will always lack GMC if, during the 5-year statutory period, he has committed one or more "crimes involving moral turpitude" (CIMT). The most common definition of a CIMT is "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man." Attached is a checklist of some of the crimes or offenses that fall under the CIMT category. If the applicant gives an affirmative response to any of the questions involving GMC in Part 7 (Questions No. 8, 9, 12, and 15) or if the cases involves CIMTs, DAOs should refer the applicant to a secondary officer for a traditional interview format.

CIMT CHECKLIST

35.

This checklist is designed to provide a quick reference to the types of offenses which the Board of Immigration Appeals has found to be "Crimes Involving Moral Turpitude." This list is not exclusive and DAOs should consult with Service counsel for more in-depth information.

Crimes Against The Person

Murder/Intentional Homicide
Voluntary Manslaughter
Homicide by Reckless Conduct
Involuntary Manslaughter w/ Reckless Disregard
Attempted Murder
Kidnapping Mayhem
Assault or Attempted Murder Upon Government Officers
Carrying a Concealed Weapon w/ Intent to Use Against the Person of Another
Assault w/ a Deadly Weapon
Assault w/ Weapon Likely to Produce Bodily Harm
Interfering w/ a Law Enforcement Officer w/ Use of Deadly Force
Attempting to Obstruct/Impede the Progress of Justice
Aggravated Assault Against a Peace Officer

Crimes Against Property

Arson
Attempted Arson
Blackmail/Extortion
Forgery
Uttering a Forged Instrument/Forged Prescription
Making False Statements of Financial Condition
Robbery
Embezzlement
Larceny/Theft
Grand theft
Petty Theft
Receiving Stolen Property
Concealing Assets in Bankruptcy
Encumbering Mortgaged Property w/ Intent to Defraud
Fraudulently Issuing Check w/ Insufficient Funds
Fraudulently Issuing Worthless Check
Illegal use of ATM or Credit Card
Passing Forged Instrument
Attempted Fraud
Using Mails to Defraud
Making False Statements in Acquisition of Firearm
Securities Fraud
Welfare Fraud
Transporting Stolen Property
Obtaining Money by False Pretenses
Bribery
Malicious Trespass

Sexual and Family Crimes

Assault w/ Intent to Commit Abortion
Attempted Assault w/ Intent to Commit Carnal Abuse
Statutory Rape/Rape
Indecent Assault/Sexual Battery
Adultery
Bigamy
Prostitution
Sodomy
Gross Indecency
Contributing to the Delinquency of a Minor/Sexual Acts
Taking Indecent Liberties w/ a Child
Incest
Oral Sexual Perversion

Crimes Against the Government

Falsely Issuing a Narcotic Prescription
Offering a Bribe
Making, Passing, or Possessing Countertfeit Coins
Conspiracy to Violate IRS Laws
Securities Fraud
Counterfeiting
Smuggling Merchandise
Impersonating Federal Officer
False Statements/Firearm
False Statements or Entries
Harboring a Fugitive
Using False Names & Addresses to Violate Postal Laws
Uttering/Selling False/Counterfeit Immigration Documents
False Statements to Obtain a Passport
False Statements in LPR Application
Perjury
Theft from U.S. Mail
Taking Kickbacks
Receiving Funds by False Statementss
Trafficking in Narcotics
Failing to Report Income
Union Official Unlawfully Accepting a Loan
Kickbacks on Government Contracts
False Statements/Selective Service
Falsely Representing Social Security Number
False Statements/Unemployment Benefits

35.

Part II. Adjudication
No. 3

FD-258 Checks

(A) Reduction in Wait-Time for FD-258 Checks.

Under existing procedures, district offices wait 60 days for the FBI to return fingerprint-check (FD-258) results. The FBI's current processing time is in excess of 30 days. The Service is currently working with the FBI to reduce the fingerprint check turn-around time to less than 30 days to enable faster processing of the N-400 applications by field offices. In addition, we should all note that that processing times begin after receipt of the FD-258s from submitting offices, offices should make every effort to ensure these checks are timely initiated.

To reduce the average time required for background checks, it is essential that FD-258 submissions are properly prepared. To improve the quality and integrity of the fingerprints submitted by applicants for benefits, a designated fingerprinting service (DFS) certification program is being implemented once the enabling regulation is approved by OMB. Training of Service personnel was completed last fall and training of potential DFSs is underway in LOS, MIA, NYC, SFR and CHI. District offices are encouraged to inform potential providers of fingerprinting services to obtain the necessary training as soon as possible. Upon publication of the DFS final rule, there will be a six-month transition period to phase out the unauthorized fingerprinting services. At full implementation of the DFS program, the Service will only accept fingerprints taken by authorized entities and individuals.

As a quality control measure, beginning May 1996, the Service will establish the Nebraska Service Center (NSC) as the coordinating center and central processing facility for all G-325A and fingerprint responses. HQBEN has arranged for the FBI to forward all such responses, including rejects, illegible fingerprints, and "hits" directly to NSC, which will be responsible for receiving, monitoring and distributing all information related to these checks. The FBI will be notified of this procedural change. In addition, HQREC is assigning a responsible collateral duty fingerprint specialist at each adjudicating office to receive information and serve as liaison. In order to ensure these procedures are effective, we are incorporating a monitoring element into the Field Assessment Program being established by Internal Audit. Internal Audit will provide us with the ability to monitor and identify the cause of late submissions, and ensure all FD-258 checks are initiated immediately upon receipt of the N-400.

(B) Implementation Guidelines

1. Agency check liaison duty

35.

As directed by HQREC, district offices should designate a point of contact (POC) in each field office to serve as the liaison between the NSC and the adjudicator responsible for an application decision. The POC will receive instructions daily from the NSC of all agency "hits" and rejected forms (either FD-258 or G-325A). For hits, the instructions will provide notification that the related file will follow. For rejected forms, the instructions will notify of the required hold and provide for follow-up action. Rejected and non-classifiable fingerprints will no longer be returned to the adjudicating office for correction but instead will be handled through the NSC.

Directors are advised that the POC's responsibilities will include handling classified documents.

2. Designated fingerprint services.

Upon publication of INS No. 1666-94, Certification of Designated Fingerprinting Services, all offices adjudicating applications for benefits which require submission of Form FD-258 will have 180 days in which to adjudicate applications for designation as "DFS". Critical to this adjudication is ensuring applicants are provided the opportunity to gain required training.

Each office has a trained FD-258 trainer in place at this time. That person has been provided with training materials and contact telephone numbers at region and headquarters for additional support and information. Regulations will specify that only INS or FBI trained fingerprinters may prepare FD-258s. An INS or FBI trained fingerprinter may train others at the DFS in the procedure. In order to reduce the effect of this training requirement during the implementation period, trained fingerprinters should be actively communicating with potential DFS applicants and providing pre-training. It should be emphasized that the training is voluntary and provided on a voluntary basis. Trained fingerprinters should also inform potential DFS applicants that, while the training will meet the requirement of the regulation if published, it does not imply eligibility or guarantee approval for certification beyond the training requirement.

35.

Part II. Adjudication
No. 4

Reduction in Wait-Time for A-file Requests

Under current procedures, an Adjudications Officer waits for 6 months from the time the applicant's A-file was requested toconduct an interview without the applicant's file. This procedure, however, unnecessarily delays the processing of naturalization applications and, for the majority of applicants, the entire record is not necessary in order to review the events of the last five or three years (residency requirement for naturalization). Many recent events or actions can be gleaned from records checks and applications review.

As a result, this process is being changed to permit district offices to wait only 30 days for a requested file before proceeding with the interview and adjudicating the applicant's N-400 based on a temporary file. On February 21, 1996, the Office of Records sent a cable (HQREC1RPB 70144.2-C) to all field offices outlining the procedures to be followed for requesting and transferring A-files, including procedures for files that cannot be requested through the Central Index System (CIS). These new procedures speed up the A-file transfer process and ultimately, the amount of time it takes to schedule an applicant for an interview.

Effective with this memorandum, an office is allowed to create a T-file after the A-file request has been pending for 30 days. Note, however, that there are a few exceptions to this policy. First, a T-file should not be created or the case adjudicated without the file if the adjudicator has evidence that the applicant fraudulently obtained permanent resident status. Second, this process should not be followed if, after verifying in CIS, the A-file transfer subsystem code is "P", "D","A" or "F". In this scenario, you should not complete processing of the case, unless it is clearly deniable without first reviewing the A-file or after you have received verification from the holding office that information contained in the A-file does not make the applicant ineligible for naturalization. (Please see the instructional wire referenced earlier for additional information.) Third, this policy should not be followed if other circumstances exist, as determined by the District Director, which would necessitate the review of the A-file prior to adjudication of the N-400. In most other situations, the interview can be conducted and a decision reached on the application with only the T-file in the possession of the adjudicator. The A-file should be post-audited within 30 days.

Offices should not wait until the interview is scheduled before requesting the A-files. The requests should be made at the time of receipt of the application either as part of the daily NACS FTR (file transfer request) process or directly through CIS. Cases which have been filed at the Service Centers through the Direct Mail Program should have the NACS FTR or CIS FTR completed at the time of data entry. All other offices which are not receiving the applications through the DIRECT MAIL program will need to initiate the A-file requests at their office.

35.

Part II. Adjudication
No. 5

Testing Applicants on Section 312 Requirements

Testing naturalization applicants on United States history and government and the English language to fulfill the requirements of section 312 of the Act during the interview process is time-consuming. Alternative testing procedures will help both adjudicators and applicants.

The Service plans to re-engineer and improve the policy and process of testing applicants by implementing a three pronged action plan. This plan will provide field offices with needed guidance on establishing group testing of naturalization applicants. In addition, we will publish a proposed rule that will effectively govern the testing organizations. We are also considering further regulatory revisions that could expand the current number of testing organizations authorized to administer the citizenship test. Finally, we are investigating alternative methods for applicants to demonstrate the requisite history and government requirements of section 312.

(A) Alternative Method of Demonstrating Section 312 Knowledge.

The Service is currently investigating whether to accept academic completion records of naturalization applicants who have attended school in the United States for at least two years and who subsequently graduated from United States high schools, colleges, or universities as a possible means of satisfying the requirements of section 312. Almost all graduates of United States secondary schools, colleges or universities must fulfill various requirements for course work in American history, government, and civics. Preliminary survey information compiled in 1994 indicated that almost all applicants holding degrees from American schools or colleges had no difficulty demonstrating English literacy or answering questions on history and government. The Service believes that applicants who fall in this group could possibly be accepted as having satisfied the section 312 requirements without compromising the intergrity of the naturalization process. However, this is a major policy issue which must be fully researched and addressed by the Service before a decision can be made.

(B) Group Testing.

The Service has learned from the non-government testing organizations that group testing of naturalization applicants in a group setting is an efficient, effective, and productive way for applicants to fulfill section 312 requirements. Group testing, using a standardized multiple choice test comprised of questions at various levels of difficulty, ensures that all applicants are treated fairly with regard to the questions that are asked. In addition, without lessening the integrity of the testing process, group testing, when conducted as a pre-interview exercise, saves the government time by establishing an applicant's knowledge of English and history prior to the scheduling of valuable interview time. Policy guidelines highlighting the methods which have lead to the success of the group testing efforts currently used by the Citizenship USA sites as well as the Baltimore District Office are provided below.

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While it has been the tradition of Service offices to test applicants on questions of English literacy and United States history and government during the naturalization interview, several offices are now experimenting with the concept of group testing applicants prior to the start of the formal interview. This method of group testing should bring about three positive results. First, applicants will be put at ease in that they will not be asked history or government questions during the course of their interview. Second, district adjudications officers (DAOs) will have more time to address other issues needing clarification during the interview process. Third, it will increase our processing capacity by shortening the average duration of a naturalization interview.

The Baltimore office has instituted a new policy of testing naturalization applicants at the time they file the N-400. Applicants are given a ten question, multiple-choice test. District Inspectors (on detail) and DAOs rotate the responsibility of proctoring the actual multiple choice test, and ensure that no applicant waits over five minutes to be given a test, even if that means the applicant is tested individually. In addition, applicants who seem to have difficulty expressing themselves in English are tested on their ability to speak English. All applicants are evaluated on their ability to speak English, not simply those who demonstrate difficulty during the N-400 pre-screening. All of these events happen prior to the scheduling of an interview, thus saving the office valuable interview time.

The logistics of testing in larger offices are more challenging, but not impossible. The Chicago district has instituted a group testing procedure both in the district office and at certain community-based organizations, and Los Angeles is experimenting with alternative methods similar to those used by many state motor vehicle drivers license bureaus.

Regardless of whether an office is large or small, adopting the following two suggestions will aid the group testing process. First, this testing concept should be discussed with the local AILA and other attorney and community groups. Second, offices should seek the assistance of local voluntary agencies in order to disseminate information on group testing to the immigrant community. (While voluntary agencies should not be given the responsibility of proctoring Service 312 tests on behalf of the Service, they may be of assistance in arranging testing space if testing occurs outside of the district office)

Offices also should be advised that we are developing a standardized written and oral test for use by all Service offices with applicants who have not used the services of private section 312 testing organizations. We are working to contract out the actual test development, and hope to have new procedures in place early in calendar year 1997. In addition, local offices needing updated lists of history and government questions or sample tests should contact the HQ Benefits Division Naturalization & Citizenship Services Branch at the telephone number listed below.

Offices seeking more information on group testing should contact Richard Caterisano, ADDE, Baltimore on 410/962-2118 or the Citizenship USA test sites of either Chicago or Los Angeles (Aphrodite Loutas in Chicago on 312/886-7549 and Don Neufeld in Los Angeles on 213/894-6004). Questions may also be directed to Pearl Chang, Acting Chief, Naturalization & Citizenship Services

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Branch or Craig Howie, Adjudications Officer on 202/514-5014.

(C) Proposed Regulation for Outside Citizenship Testing Services.

The Service is also in the process of finalizing a proposed rule which will completely restructure 8 CFR 312. This change of 8 CFR 312 constitutes a major policy decision on the part of the Service. The current Notice of Program does not impose rules or guidelines on the non-government testing organizations. In some instances, this has led to abuses by a few affiliated testing organizations. In an effort to cure this situation, the revised 8 CFR 312 will impose exacting performance, quality control, and revocation standards on these organizations. In addition, the Service is considering expanding the accessability of outside testing entities through the use of additional testing centers. We anticipate publication of the proposed rule this spring, and implementation of the final rule in the late fall, 1996.

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Part II. Adjudication
No. 6

Alternative Examination Methods

Our current interview scheduling pace needs to be recalibrated to take advantage of the time-saving strategies outlined in this paper. To that end, the Service is proceeding with the introduction of Alternative Examination Methods (AEM). The use of these methods is proposed to assist and speed up the naturalization process for various groups of naturalization applicants, without compromising the integrity of United States citizenship.

While the Service has traditionally used a generic, one-size fits all type of naturalization interview, some offices have experimented with their own creative methods to handle the ever-increasing numbers of applications. These offices have enthusiastically reported that use of these alternatives has resulted in a more streamlined naturalization process. A combination of pre-screening methods, group testing, primary and secondary interviewing, and off-site interviewing makes for a more efficient interview process.

For example, the Chicago office pre-screens N-400 cases in conjunction with not-for-profit, local community organizations. These organizations, in coordination with INS, provides off-site areas on a weekly basis where residents can complete the N-400 packet. They ensure that the packets are properly completed prior to filing the applications in bulk (approximately 300 each time) with the Service. Problem cases are resolved prior to filing with the Service either by telephone or referring the applicant to an attorney. Off-site interviews are scheduled and processed by the Service. Such pre-screening and off-site interviewing allows for a much faster N-400 interview.

Another method that some offices have employed for more efficient interviewing is a primary-secondary arrangement. The primary-secondary arrangement allows offices to "fast-track" certain applicants, such as those who have already satisfied the section 312 requirements through prior testing by the Service (e.g., legalization applicants) or an outside testing entity, or who are exempt from the section 312 requirements based on age or disability. Routine interviews can be handled by less experienced officers, designated as primary interviewing officers. For cases which require an in-depth Q&A or involve potential fraud, the applicants can be referred to secondary for a traditional interview with more experienced or Senior Adjudications officers.

The Los Angeles office is currently utilizing the primary-secondary arrangement. The N-400 applicants are tested for English and civics prior to the primary interview. Those applicants who pass the English and civics exams are referred to a primary officer. Less experienced officers are designated as primary officers and more experienced officers are designated as secondary officers. The Los Angeles office has found that approximately 10% of their cases are referred from primary to secondary. The secondary officers also conduct primary interviews when they have no secondary

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interviews. Los Angeles has found that the primary interviews are currently taking about 8 minutes but may be shortened to around 5 minutes as the temporary employees who are serving as primary officers gain experience.

The Form N-400 Supplement A (see attachment) has been developed to aid in the pre-screening process. As mentioned previously in this memo, the Office of General Counsel is researching whether to accept academic completion records as a possible means of satisfying the requirements of section 312. If there is a favorable determination, the supplement may be used to identify the appropriate applicants and must be included with each N-400 distributed by those offices that opt for AEM. The supplement instructs the applicant to attach a copy of his or her diploma or degree. The N-400 Supplement A has been designed as a companion to the N-400 until that form is revised.

District directors of offices processing applications for naturalization are authorized to implement AEM immediately. For more efficient utilization of Service resources, district directors are urged to adopt AEM and to increase the number of scheduled interviews. This use of AEM and streamlining of the naturalization process will aid the districts in meeting their FY96 production goals.

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Department of Justice
Immigration and Naturalization Service

for Naturalization
Supplement A

RT A. INSTRUCTIONS

e complete this supplement and file it with your application *(Form N-400)* to help us better process your request. If you have already filed application, you may complete and submit this supplement to the Office where your application is pending.

u are submitting this supplement with your application, sign your name in ink on the side of your photographs, but DO NOT write over your Sign your name as shown on your green card unless you are seeking to change your name, in which case please sign your full name as you ted it in question 7.

e Report Burden for this supplement is estimated to average 10 minutes per response. *(See Form N-400 for more information on reporting n hours.)*

supplement is considered part of your application for naturalization. All the information provided must be true and correct.

T B. ADDITIONAL INFORMATION ABOUT YOU. *(The applicant for naturalization.)*

Name	First Name		Middle Name
me Phone # ( ) ____ - ____	Alien Registration #	Date of Birth *(Month/Day/Year)*	Date you became a permanent resident *(Month/Day/Year)*

A. Did you graduate from an accredited college in the U.S.? ☐ Yes ☐ No

B. Did you graduate from college outside the U.S.? ☐ Yes ☐ No

If Yes to either question, check the highest level of college degree you received: ☐ Associate's ☐ Bachelor's ☐ Master's ☐ Doctorate *(Attach a copy of your highest degree to this supplement.)*

id you graduate from high school in the U.S.? ☐ Yes ☐ No

*If Yes, how many years of high school did you attend in the U.S.? ☐ Less than 1 ☐ One ☐ Two ☐ Three ☐ Four or more

(Attach a copy of your high school diploma to this supplement or complete the following.)

Name of School _____ Year Graduated _____

Location *(City, State)* _____

ave you already passed an INS approved citizenship test? ☐ Yes ☐ No (If Yes, attach a copy of the test results.)

4. Have you completed an INS approved Adult Education Course? ☐ Yes ☐ No (If Yes, attach a copy of the certificate of completion.)

Within the past 5 years have you been required to pay child support through a separation agreement, divorce decree or other urt order? ☐ Yes ☐ No *(If No, skip to question 6)*

- At any time during the past 5 years were you more than 2 weeks behind in these payments? ☐ Yes ☐ No
- Are you currently more than 2 weeks behind? ☐ Yes ☐ No

aturalization involves a formal ceremony. This ceremony can be conducted by INS or by certain courts. In many parts of the untry both INS and the courts conduct ceremonies. However, you may request that you only be naturalized in a court remony. This would mean you would not be scheduled for an INS ceremony even if one were available.
Would you like to be scheduled only for a court ceremony? ☐ Yes ☐ I have no preference

ur name as shown on your green card will normally be used when you naturalize. However, if you have changed your name rough divorce or marriage since receiving your last green card, we will update our records and issue your certificate in your rrent name. Any applicant also has the option of requesting a change of name when naturalizing; however. If you do request ame change, we will schedule you for a court ceremony since only the court can grant a change of name.

Do you want to change your name as a result of your marriage or divorce? ☐ Yes ☐ No
(If Yes, attach a copy of the marriage or divorce decree.)
Do you otherwise want to change your name when you naturalize? ☐ Yes ☐ No

If you want to use a name other than the one on your current green card, clearly write it below:

Name	First Name	Middle Name

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Part III. Processing
No. 1

Naturalization Certificates in Standard Size

Currently, the Service has experienced delays in the process of printing naturalization certificates because the size of the paper used is not standard. HQBEN is currently in the process of negotiating with the Bureau of Printing and Engraving to order standard size (8½" x 11") naturalization certificates which will be used in standard laser printers. The Bureau of Printing and Engraving has indicated that it will take approximately three (3) months to make the change. HQBEN has requested that the printing of these certificates be made a priority. We are also exploring the possibility of issuing card size naturalization certificates through the new Integrated Card Production System (ICPS) at the Service Centers. A production timetable has not been established for this project yet.

In addition, capability to batch print Naturalization Certificates in NACS has been developed and implemented at the El Monte site in the Los Angeles District Office. Batch printing can save considerable time in certificate production and will be made available to other Citizenship USA sites in May, 1996.

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Part III. Processing
No. 2

Logging Alien Registration Cards at the Oath Ceremony

Staff are required to collect and log green cards (Form I-551/I-151) at ceremonies and subsequently destroy them or send them to the ICF for destruction. The logging requirement is time consuming. Effective immediately, during naturalization ceremonies, officers in attendance will no longer log each individual Alien Registration Card (AR card) on the duplicate ceremony list. As Form I-151 is obsolete, these cards are to be destroyed along with Reentry Permits and Refugee Travel Documents upon surrender without a notation opposite the person's name on the ceremony list. In accordance with part 2117.14 of the Administrative Manual, the duplicate list will continue to be endorsed as follows: "All AR cards , (except I-551s), reentry permits and refugee travel documents surrendered have been mutilated and delivered for destruction of record material."

When collecting AR cards, District Offices may use volunteers or contract employees under INS supervisions to collect surrendered I-551s. A corner should be clipped from the Forms I-551 surrendered. District offices must note on the oath manifest whether a naturalizing citizen turned in his or her Alien Registration Card or an attestation for lost or stolen cards. The clipped I-551s will be forwarded to the Immigration Card Facility with a copy of the ceremony list. The Immigration Card Facility will be responsible for the destruction and notation of surrendered I-551s on the duplicate list.

Officers conducting naturalization interviews and/or officers in attendance at naturalization ceremonies will not require applicants to complete affidavits for a lost or stolen card. Instead, an attestation form may be given to the applicants either at the interview or the check-in time for the oath ceremony. In the event a card is surrendered subsequent to the ceremony, I-151s are to be destroyed, I-551s are to be clipped and forwarded to the ICF.

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Part III. Processing
No. 3

Affidavits or Attestation of Lost or Stolen Alien Registration Cards

Affidavits of lost or stolen Alien Registration Cards will no longer be prepared either at the naturalization interview or at the ceremony for those individuals who do not produce the cards. Attestations will be required. Below is a sample Attestation of Lost Alien Registration Card that should be used for those applicants who have lost their ARC prior to the naturalization ceremony. This form can be provided to the applicant either prior to the ceremony by attaching it to form N-445, Notice of Oath Ceremony at the time of mailing, or when the applicant appears for the oath ceremony. HQBEN POC: Sue Arroyo, Senior Adjudication Officer at (202) 514-8247.

ATTESTATION OF LOST ALIEN REGISTRATION CARD

I_____ state under penalty of perjury that I have lost my alien registration receipt card (the Green Card)on or about _____ under the following conditions:_____
_____
_____
_____
_____
_____
_____
_____

I understand that it is against the regulation of the United States Government (8 CFR 338.3) to possess both an alien registration receipt card and a Certificate of Naturalization. I also understand that should I find my alien registration receipt card, I must immediately surrender it to the nearest Immigration Office.

_____ _____ _____
Signature Date A Number

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Part III. Processing
No. 4

Unsigned Photographs and Handing Out Naturalization Certificate

District offices are reminded that regulations do not preclude the issuance of the Naturalization certificate prior to the oath of allegiance during Naturalization ceremonies. Issuing certificates at the end of a large ceremony adds time to the overall duration of a large ceremony. Eliminating this step may allow districts to have more than one ceremony in a single day. While small offices which have small infrequent ceremonies may want to continue to issue the certificates at the conclusion of the ceremony, large offices may wish to issue the certificates at check-in.

In the event naturalization certificates are issued at the preliminary check-in, precautions should be taken to ensure that no one leaves with his or her certificate prior to taking the oath of allegiance since naturalization candidates do not become citizens without taking the required oath. Exits will have to be monitored and participants will have to be reminded that they cannot leave with the certificate until they have taken the oath.

Whether the certificates are handed out prior to or after the ceremony, instructions for proper signature must accompany the unsigned certificates, explaining that the certificate must be signed by the naturalizing citizen and that the certificate will not be considered valid until properly signed. Instructions for proper signature on the certificate should be provided to the naturalizing candidates when they check-in for the ceremony. (See attachment 4) Handing out certificates with clear signature instructions will place the responsibility for signing the certificate on the naturalizing citizen and make the interview and ceremony processes more efficient.

Furthermore, much time is currently being spent during naturalization interviews to ensure proper signing of the photographs. District offices should devise ways to get the photographs signed prior to the interview.

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Part III. Processing
No. 4
Attachment

PROPER SIGNATURE FOR NATURALIZATION CERTIFICATE

Your naturalization certificate is not valid until you sign it. You must sign your certificate, in cursive, and the signature must match your name as it is printed on the certificate. Do not use initials.

Sign your name on your naturalization certificate in the following manner:

John James Smith

Sample signature

FIRMAR CORRECTAMENTE EL CERTIFICADO DE NATURALIZACIÓN

Su certificado de naturalización no es valido hasta que usted lo haya firmado. Usted debe firmar su certificado, y su firma debe ser igual al nombre que esta impreso en el certificado. No debe usar iniciales.

Firme su nombre en el certificado naturalización de la siguiente manera:

John James Smith

Ejemplo de la Firma

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Part III. Processing
No. 5

Automation

During October 1995, a working group consisting of personnel from EDS, HQIRM, HQBEN was formed to review and correct outstanding problems related to the current version of NACS (Naturalization Automated Case System). The list of 44 outstanding ticket "hot-line" items were reviewed line by line to defect problems and determine a viable solution. All problems were categorized into the following: training/personnel problems, easy to fix problems and long-range correctable problems. Most problems have been corrected as a result of this working group.

Additionally, in November 1995, a telephone survey was conducted by HQBEN with each NACS office to see what problems still persisted. Training issues were defined and to date, several offices either have been or are scheduled to be trained or retrained on the current system.

At the same time, INS is developing a new LAN-based computer system to replace NACS. A pilot is set to begin in September, 1996 between the Nebraska Service Center and the Chicago District Office. After the new system has been tested, it will be implemented incrementally nationwide beginning January 1997.

It is imperative for every office that has NACS to use it for data integrity and to key in such data in a timely manner. When offices fail to timely enter data into the system, or fail to close out cases after oath taking ceremonies, analyses are skewed and re-programming efforts are impeded. Failure to close out cases puts additional strain on an already overburdened system. When cases are closed in NACS, information is captured by the Central Index System (CIS) regarding the applicants' naturalization. By not closing cases out in a timely manner, other operating units outside of Adjudications are affected because we cannot provide them with accurate information about the applicant's immigration status.

35.

Part IV. Oath Ceremonies
No. 1

Partnerships with Community Groups

Effective partnerships with community-based, voluntary and immigration lawyers organizations must be expanded and accelerated immediately to help the Service meet its goal of naturalizing 1.3 million new citizens in Fiscal Year 1996.

During the last two quarters, field offices must step up their efforts to actively organize local groups to perform non-security tasks supporting the naturalization process, particularly those intended to facilitate oath ceremonies and support activities outlined in this paper.

District Directors and Officers-in-Charge who are not already doing so are encouraged to begin meeting regularly with community entities to encourage them to join the Service as full partners in enhancing awareness of naturalization and citizenship. These meetings will enable field offices to determine the assistance that the organizations can render to support our Citizenship USA initiative.

Although local groups should be urged to participate in the partnership on a voluntary basis while performing routine activities for ordinary events, field offices have the authority to enter into small purchase order contracts with these organizations for certain services related to special occasions, such as extraordinary oath ceremonies commemorating special events or when large numbers of applicants will be sworn in.

The partnership tasks to be performed by the community groups may consist of the following:

- Under supervision of Service officers, provide assistance at the field offices to facilitate interviews as well as schedule and implement oath ceremonies.
- Under supervision of Service officers, distribute pre-approved forms and instructions to the public at field offices, or be designated by the field offices to distribute the forms and instructions at community sites.
- Under supervision of Service officers, provide the following oath ceremony assistance:
    - Identify and obtain suitable sites for ceremonies.
    - Set up facilities for ceremonies.
    - Coordinate program activities for ceremonies (guest speakers, appropriate

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entertainment, printing and distributing programs, seating and closing details.)

- Assist at actual ceremonies: screening N-445s for completeness, accepting alien registration cards, distributing naturalization certificates, other clerical tasks.

To facilitate field office efforts to involve the community organizations in the naturalization process, Headquarters and Regional Customer Service Outreach staff have been assigned to assist the field on as needed basis. Field offices seeking Customer Service assistance are advised to call the Headquarters Branch Chief at 202/307-3587.

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Part IV. Oath Ceremonies
No. 2

Oath Ceremonies

(A) Guidelines for Administrative Oath Ceremonies

To meet the demand of record numbers of persons applying for naturalization, the Service is adopting a more innovative approach to the administration of oath ceremonies. The large but infrequent ceremonies that we have traditionally held, though dignified and having served the public well in the past, can no longer meet the public demand. Many times naturalization applicants wait for several months after their cases have been granted to participate in these large ceremonies. In addition, because large ceremonies typically require an enormous amount of preparation, field offices often have to shut down their normal examinations functions around ceremony time just to get ready. District offices are now given the option of varying the size of ceremonies and having frequent oath ceremonies on a more efficient scale to suit local circumstances. Depending on available resources, space, and backlog of applicants waiting or an oath ceremony, offices are now encouraged to conduct same-day ceremonies or frequent ceremonies to meet their production goals. Frequent ceremonies on a smaller scale may be adopted where district offices determine that they may enhance efficiency and improve customer service. Field offices are, however, required to maintain the dignity of the ceremony even in smaller ceremonies. When conducting administrative oath ceremonies, offices must follow these guidelines:

- A dignified oath ceremony should have appropriate space, prepared speeches, keynote speakers, and/or representatives from local media for coverage of the ceremony. While these factors should be present at any ceremony, offices may choose to add elements to the ceremonies which are unique to the local community;

- Ceremonies can be held both on-site, at an INS facility, or off-site, at a designated area. Various community groups and businesses may agree with INS to sponsor and provide off-site spaces for such ceremonies. Spaces should be clean and free from outside noise and distractions. Recorded or live music appropriate for the occasion, such as the national anthem, may be used. Flags of the United States and the INS should be prominently displayed;

- Speeches should be planned in advance and may be delivered by the district director, deputy district director, officer-in-charge or persons acting in their behalf from the local district office. (A sample speech is included for reference purpose.) Keynote speakers may be invited to attend the ceremony and address the new group of citizens. Speakers from local government agencies, civic groups, local colleges and universities and other organizations can function as keynote speakers;

- To add to the formality of the event, district offices can arrange to have the flags carried into the ceremony space by uniformed guards, Information Officers, uniformed

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youth groups, ROTC units, as well as boy or girl scout color guards; and

- Where feasible, offices should contact local media groups for coverage of the ceremony.

(B) The Role of Corporate Sponsorship of Ceremonies

Due to increasing fiscal restraints on district offices, it is necessary to seek alternative and cheaper ways of performing naturalization ceremonies. One way of addressing the lack of financial resources is for field offices to seek out local businesses to sponsor the ceremonies. The ceremonies should be tasteful and maintain the dignity of the occasion. Off-site facilities, provided by local businesses, can serve as appropriate ceremonial rooms. Although a business may choose to donate items such as food and drinks as part of the sponsorship of the ceremony, logos and other items identifying the sponsoring business should not be the theme of the ceremony. Rather than focusing on the products or services a company produces, some corporate sponsors have chosen to stress the importance of the work of immigrants to their companies' success and more importantly, the role immigrant labor has played in the United States. While corporate sponsorship may be sought for naturalization ceremonies, the sponsorship of the event should focus on the importance of conveying citizenship.

For additional guidelines, please refer to attachment 3 for a list of oath ceremony "best practices" used in other offices.

(C) Same-Day Naturalization Ceremonies

Where INS has the authority to conduct administrative ceremonies, field offices are encouraged to conduct expedited, small naturalization ceremonies at the option of applicants for naturalization. Based upon reports from field offices, this process can also be successfully implemented for judicial ceremonies. While coordinating same-day ceremonies for administrative naturalization ceremonies will involve no coordination with other agencies, judicial naturalization ceremonies will require additional preparation by field officers to plan the ceremonies in coordination with the courts.

Field offices are encouraged to develop work schedules to facilitate same-day ceremonies. Interviews may be conducted during one part of the day, such as the morning, and the ceremony conducted later that same day. In addition, offices can provide applicants with a notice, offering them the option to be naturalized the same day of the interview, upon approval of the application, or to be scheduled for an oath ceremony at a later time when they can bring family members and guests. Accommodations should be set aside to allow for an expedited ceremony.

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(D) Expedited administration of oath of allegiance.

A district office may administer the oath without a ceremony when an applicant requests such due to emergent or other compelling circumstances as prescribed in 8 CFR 337.3.

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Part IV. Oath Ceremonies
No. 2
Attachment

Oath Ceremony Speech

Welcome to you all. It is an honor and a privilege to welcome you as citizens of the United States. By your oath of allegiance to the United States, you no longer have political ties with your former country of citizenship. Your allegiance is now exclusively to the United States. In return for the benefits you are given within this great land, we are entitled to your solemn word that you will support our Constitution and laws and defend us against our enemies if that need should arise. Of course, this does not mean you should forget your native land, your friends, or family members abroad.

This nation has grown and flourished through the preservation of cultural traditions such as the music, dress and food of your homelands. Your heritage is part of your contribution to this great country. This nation is composed of the strengths of many nations and cultures. Each contributes the special skills and knowledge that has been acquired through the centuries. Each of you brings a special talent, a talent which, through hard work and dedication, will not only strengthen this nation but provide you with success and achievement.

Our Constitution provides you with the opportunity to pursue your aspirations on an equal basis with all other Americans. This country promises you equality of opportunity, but it can not promise you wealth or wisdom. It promises you the pursuit of happiness, but it can not promise happiness. It promise you liberty but it cannot guarantee peace, only the opportunity to work with us to secure that peace. We, as a people, have made mistakes in the past and we will undoubtedly make errors in the future. But through good times and bad, this is a country of law. Our constitution is a splendid document which continues to provide protection of property, liberty, life, social justice and personal freedom for every individual more than any other society in recorded history.

In short, you are now among us to share in our successes and our failures in good times as well as bad times. You are joining the great family of citizens enjoying the cherished principles of freedom. Being convinced that you will make good citizens, we your fellow citizens by birth and by choice, enthusiastically welcome you as citizens of the United States of America.

Memorandum

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HQCOU revised this memorandum for dissemination on June 27, 1996.

Subject	Date
Appropriations Law: Agency Use of Clerical Volunteers	June 27, 1996 (original dated June 25, 1996)

To	From
William S. Slattery Office of Field Operations	HQCOU Government Law Division

Attention: Andrea Quarantillo

ISSUE PRESENTED

Can the INS use volunteers to perform certain services when the (1) the volunteers would perform clerical tasks; (2) the parties agree in advance that the INS will not compensate the volunteers; and (3) the parties memorialize this agreement in writing?

BRIEF ANSWER

No. While the use of volunteers who agree in advance not to receive payment does not violate the Anti-Deficiency Act, it generally constitutes an unauthorized augmentation of the agency appropriation. Where, as here, the volunteers would perform duties normally performed by agency employees, it is impermissible. Therefore, the Agency cannot use these volunteers to perform these clerical duties.

DISCUSSION

We reviewed a proposal from a district office concerning the use of volunteers. In short, the district asked if it could use volunteers to perform clerical duties related to their naturalization efforts. We offer the following analysis.

A. The INS Cannot Use Volunteers When the Volunteers Perform Duties That Other Agency Personnel Normally Perform.

Generally, a government agency may not operate at a capacity greater than the level that Congress authorizes. 70 Comp. Gen. 597 (1991). This means that an agency may not accept goods or services to augment the personnel or funds that Congress has

Form G-2

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already provided it.[1] Id. at 598. For example, in 1987 WL 101336 (C.G.), an agency attempted to use volunteers to perform duties that other agency personnel normally performed.[2] Id. at 3. The Comptroller General held that this was an improper augmentation because, under this proposed arrangement, the agency could use compensated employees whose work functions the volunteers were going to perform to fill additional duties. Id.

In 70 Comp. Gen. 597 (1991), on the other hand, the Interstate Commerce Commission ("ICC") accepted the free installation of computer equipment from various private carriers. The carriers installed the equipment in order to assist the ICC in its tariff-monitoring duties. Id. at 598. Because the ICC had specific statutory authority to establish the manner in which private carriers filed tariffs, the Comptroller General found the acceptance of the voluntary services and equipment proper. Id. However, the decision also notes that if the ICC used the equipment for any other purpose, the acceptance of these services would become an unauthorized augmentation.[3] Id. at 600.

Following the same analysis, the INS cannot use the volunteers to perform clerical tasks where, as in 1987 WL 101336, agency employees are already responsible for performing these tasks. See 1987 WL at 3. Furthermore, the proposed use of volunteers here is distinguishable from 70 Comp. Gen. 597 in that the INS, unlike the ICC, does not have the statutory authority to decide how the Agency can meet its clerical demands. See 70 Comp. Gen. at 598. Thus, the Agency's use of volunteers is an unauthorized augmentation.

B. If The Use Of The Volunteers Is Not An Improper Augmentation, The INS Can Accept The Voluntary Services Because Service Provided By Volunteers Who Agree In Writing Not To Seek Compensation Is A Gratuity.

Under the Anti-Deficiency Act ("Act"), a government agency cannot accept voluntary services unless a party renders services in an emergency situation. 31 U.S.C. § 1342 (1994). Congress enacted this prohibition because it did not want parties to volunteer services to the Government, then present bills that could morally obligate Congress to compensate them. 1982 WL 27133 (C.G.). However, as an exception to this general bar, the Comptroller General has held that an agency may accept voluntary services if (1) prior to the rendering of services, each volunteer agrees that the

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[1] Under earlier decisional law, the Comptroller General evaluated the Government's use of voluntary services only under 31 U.S.C. § 1342, discussed infra, and whether it could accept goods under the "augmentation" statutes, 31 U.S.C. § 3302 (b) and 31 U.S.C. § 1301. See, e.g., B-13378 (November 20, 1940). However, the contemporary decisions abrogate this distinction and now analyze the legality of voluntary services under both the augmentation statutes and 31 U.S.C. § 1342. See B-211079.2 (January 2, 1987); See also 70 Comp. Gen. 597 (1991).

[2] The volunteers were members of a state "workfare" program. 1987 WL 101336 (C.G.) at 2. The decision did not specify what these duties included. See id. at 3.

[3] The Comptroller General further advised that the ICC implement office procedures that would prevent the use of this equipment for word processing and other unauthorized purposes. 70 Comp. Gen. at 600.

36.

Government will not compensate her; and (2) the parties sufficiently document this agreement. Id. The Comptroller General has determined that the Act does not apply in these situations since the agreement and evidence thereof preclude the possibility that a volunteer could submit a legitimate claim to Congress for payment after she had already provided services. See id.

For example, like here, an organization of retired persons sought to present lectures and distribute pamphlets for the Department of the Army on a voluntary basis. 1982 WL 27133 (C.G.). In exchange, the Army only provided the volunteers with access to Army installations.[4] Id. at 2. The Comptroller General found that this did not violate the Act because, unlike volunteers who officiously provided services, each volunteer agreed in advance and in writing that they would perform free of charge. Id. at 2. The court inferred that this distinction justified the exception because the evidence of a written agreement ensured that the Government would not have to compensate the volunteers at any time. Id. The majority of administrative decisions which hold that the Act did not bar the use of volunteers also adhere to this rationale. See, e.g., B-182087-O.M. (November 26, 1975) (Commission on Federal Paperwork could accept voluntary services as long the individuals agreed in advance that the services were free); See also B-13378 (November 20, 1940) (Commerce Department could accept private agency's offer to analyze data because the parties' agreement specified that the services were free). Applying this standard, the INS would not violate the Act by accepting the clerical services offered by volunteers. See 1982 WL 27133 (C.G.). This is because, like the Army and the volunteers in 1982 WL 27133, the parties here can evidence their understanding that the volunteers will not receive any monetary compensation in a signed writing.[5] See id. at 2.

CONCLUSION

In the absence of specific statutory authority, the Agency cannot use volunteers to perform functions that other agency personnel normally perform because this use would violate the laws against the unauthorized augmentation of an agency's appropriations. While the Agency would not necessarily violate the Anti-Deficiency Act for its use of

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[4] Although earlier administrative decisions discussed the consideration that an agency provided volunteers, the modern cases no longer consider this a relevant issue. See, e.g., 7 Comp. Gen. 810 (1928) ("Services rendered [free of payment] pursuant to a formal contract are not 'voluntary' within the meaning of [the Act].").

[5] Also, like the voluntary agreements that the Comptroller General has excepted from the Act, each agreement should explicitly state that the services provided by the clerks are gratuitous. See 1982 WL 27133 (C.G.); See also B-13378. In addition, while the "good work experience" that the INS will provide volunteers may be invaluable, the experience itself probably does not constitute sufficient legal consideration. Compare 1982 WL 27133. However, this consideration issue is irrelevant to the analysis under the Act because, like here, other agencies have only provided its volunteers with access to their offices; despite this, the Comptroller General still concluded that the Act did not proscribe the Government's use of volunteers. See id. (Army only provided volunteers with access to its office); See also B-13378 (Commerce Department furnished space and equipment for volunteers who offered to analyze data without compensation).

36.

volunteers, the proposal of the District Office would cause an improper augmentation, and, therefore, it is prohibited.

If you have any questions, please call John Battaglia (202-514-9701) or me (202-514-2620).

Michael J. Coster
Associate General Counsel

Memorandum

HQOPS 10/2.9 36.

Subject	Date
Appropriations Law: Agency Use of Clerical Volunteers	JUL 10 1996

To Regional Directors

From Office of Field Operations

Attached is a memorandum from the Office of the General Counsel outlining their legal opinion regarding the Service's use of clerical volunteers.

This opinion is the result of recent questions regarding the propriety of using volunteers to perform non-sensitive clerical functions.

The Office of General Counsel in its opinion indicates this practice would be improper. In the light of this determination, please ensure that this legal opinion is distributed to each office under your jurisdiction with instructions to review office operations and ensure compliance.

for J. Scott Blackman
Acting Associate Commissioner
Field Operations

Form 6-2

36.

Office of the Deputy Attorney General

U. S. Department of Justice

Washington, D.C. 20530

41 pages ☺

TO: MIKE BECRAFT

FROM: GERRI RATLIFF DR

AG GETBACKS -- JUNE 7, 1995

1. Letter from Dianne Jacob (attached), AG requested expedited ~~response (3 days)~~

2. AG is interested in what INS is doing to use volunteers and volunteered goods with naturalization. Are we exploring all opportunities? She asked as an example: if someone wanted to donate a computer system, could they?

3-1-95 INS

3. I received a copy of the attached draft paper on infectious diseases that I believe OES at State is coordinating. CISET is the Committee on International Science, Engineering and Technology. I haven't read all of it yet, but thought your TB working group might find it helpful or at least interesting.

4. Letter from Congressman Menendez (attached) about Esmor detention center. Seth requests a response this week. Can I see a copy of the draft response before it goes to OLA. Thanks.

5. Letter to Clinton from Joule Kadadu, A 37 682 962 (attached, parts not readable). Can someone look up his Alien number and let me know where he is in the process, so I can draft a response.

DAG

6. The monthly INS statistical report: Seth and the DAG had a few questions, which Seth wants to discuss at the next INS weekly. (attached). However, if you give me answers before then, I'll see if that's enough.

NOV. 3

36.

SOUTHERN CALIFORNIA I.A.F. NETWORK
ACTIVE CITIZENSHIP CAMPAIGN
*SCOC *UNO *EVO *VOICE
770 S. ARROYO PARKWAY, SUITE 115,
PASADENA, CALIF. 91105
TEL. 818-564-0770 FAX 818-564-0773

2/27/96

Mr. Leon Panetta
Chief of Staff
The White House
1600 Pennsylvania Ave., N. W.
Washington D.C. 20050

Dear Mr. Panetta,

First let me thank you for meeting with the IAF leaders of the ACC last Friday, Feb. 23rd. I also thank you for your offer to share our proposals to President Clinton. We agree with your observation that the denial of voting rights in the 60's to African Americans in the South is comparable to the denial of full citizenship and voting rights to Latino immigrants in California today.

This is a summary of our proposals aimed at reducing the 224,000 applications backlog within LA INS/

INS should:

1. Add four additional outreach teams.
2. Certify CBO leaders to assist with English/ Civics interviews under INS supervision.
3. Waive necessary interviews for those with US high school diplomas and those already exempted from English requirements because of age.
4. Administrative Swearing In at Outreach sites / shared jurisdiction with Federal Judges
5. Status report on proposal to add additional staff from the VA to Los Angeles INS.

Thank you for your offer to report back to us by the end of this week. We are looking forward to a follow up meeting with you and Vice-president Gore to discuss the implementation of these proposals.

Sincerely,

Fr. Miguel? Vega
Fr. Miguel Vega

Dr. Lou Negrete
Dr. Lou Negrete

Memorandum

U.S. DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

7.2.4.6

36.

Subject: Volunteers	Date: June 24, 1996

To: Jorge Eisermann, Jr.
Deputy District Director
Dallas

From: Office of Examinations
Oklahoma City

Volunteers, both family members and members of the community, have been very helpful to this office. The teenage children of some of our employees have accompanied their parents to work and have assisted with clerical work. They have not come on a regular basis, but occasionally when they are not in school. In the summer, teenagers have extra time to volunteer, plus it gives them work experience in an office setting. Recently we have had other volunteers, some from a Rainbow Assembly, others from the general public.

Some of the things they have done are: filed the Charge Copy of File Route Slips (G-102s) numerically, filed alien files on the shelf in Records, matched returned mail with files, typed call-in letters for naturalization interviews (N-430), typed notices for final hearings (N-445), ordered approved visa petitions (I-130 and I-140) for permanent resident applications (I-485) and placed name changes and Notices of Naturalization Oath Ceremony (N-445) in completed files from naturalization hearings. Only family members have been permitted in the file room.

This office does not have RAFACS, AFACS, NACS, LAN, or any other advanced systems the larger offices have. This means a more labor-intensive situation for small offices. Several of the things the volunteers have done are not required if the office has the advanced systems mentioned, but they require a great deal of time.

The hours contributed by our volunteers over the course of a year are not great, but many times the assistance comes at a time when we are overwhelmed, so it gives a "shot in the arm" to the employees to have help.

Nancy Hand
Supervisory District
Adjudications Officer

Form G-2
(Rev. 1-2-80)

36.

The Honorable
William H. Zeliff, Jr.
Chairman
Subcommittee on National Security,
International Affairs, and Criminal Justice

Dear Sir,

The following is submitted to your office in order to assist in your inquiries.

The Dallas office will not be telling the truth and will either shred materials or not submit the requested information. So this is sent to you to compare with what is sent to you from Dallas. If in fact the Service provides a breakdown by location of the information you have requested. Compare this situation to the situation at the Krome Service Processing Center where members of Congress were lied to and rank and file employees were forced to participate by local managers. Aliens handling naturalization files

The District Director here has used "volunteer" permanent resident aliens to handle naturalization files, clearly a security violation. A list of these aliens used to work here are kept in the computer on the Chief of the Records Section desk. Additionally there have been several security violations reported, thru channnels, and either covered up or ignored. The employees at this office are understandably upset over this. LIST Security violations called ignored.

Furthermore there has been approximately 10,000 naturalization files processed for ceremony and issuance of naturalization certificates. Not one file has been referred to investigations section for fraud. This is absolutely amazing. Those files found to have prosecutable discrepancies were presented to the District Director for action, he ordered them returned to the naturalization section for issuance of certificate. 10000 files + no fraud referred for naturalization

Additionally the District Director has ordered all employees to participate, on duty, at a huge naturalization ceremony September 17, 1996 at a local stadium. Employees are to be ushers, parking attendants, security, etc. $17,000 is being taken and spent from Service funds to pay for this ceremony. Ceremony 9/17/96

We request that you send an investigator from your staff to talk to the employees at this office. We will continue to send material related to this as we acquire it.

"WE"

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
THE SECRETARY
WASHINGTON, D.C. 20410-0001

36.

February 15, 1996

MEMORANDUM FOR: President William Clinton
Vice President Al Gore

FROM: Henry Cisneros Henry Cisneros

SUBJECT: Utilizing Volunteers to Reduce INS Naturalization Backlogs

You asked me the other day whether qualified volunteers could be generated to assist the INS in naturalization activities. The attached memo from the Industrial Areas Foundation in Los Angeles describes what is possible.

Attachment

bcc: Leon Panetta
John Emerson
Maria Echaveste
Rahm Emanuel
Elaine Kamarck

36.

SOUTHERN CALIFORNIA I.A.F. NETWORK
ACTIVE CITIZENSHIP CAMPAIGN
*UNO *SCOC *EVO *VOICE
770 S. ARROYO PARKWAY, SUITE 115
PASADENA, CALIF. 91105
TEL. 818-584-0774 FAX 818-584-0972

36.

Background: On Jan. 30, 1996 IAF's' Active Citizenship Campaign leaders from New York, San Francisco, Chicago and Los Angeles joined by Congress member Xavier Becerra, met with INS Commissioner Meisssner. That day ACC leaders offered a specific proposal to address backlog, increase efficiency and reduce cost without compromising the quality of adjudication's.

INS inaction will deny 300,000 Latinos the right to vote in the 1996 presidential elections in California.

IAF's Active Citizenship Campaign will produce thousands of trained volunteers to identify, screen and process applications for Naturalization.

IAF's Acuve Citizenship Campaign is willing to work with INS to increase efficiency by testing and screening applicants.

IAF's Active Citizenship Campaign will submit a minimum of 1200 quality applications per month.

IAF's Active Citizenship Campaign is willing to produce 100's of volunteers to work with INS to facilitate administrative swearing in.

IAF's Active Citizenship Campaign will register 26,000 citizens to vote.

IAF's Active Citizenship Campaign will identify and turn out 52,000 occasional voters, conduct 5000 house meetings, encourage vote by mail and create voter interest around issues of Affirmative Action and Minimum Wage.

IAF's Active Citizenship Campaign will influence 300,000 voters in preparation for Nov. 1996.

IAF's Active Citizenship Campaign will target 960 under-represented precincts, produce 5000 precinct leaders and turn out 96,000 voters for the 1996 presidential election.

IAF's Active Citizenship Campaign is willing to fight along side the Clinton Administration in efforts to maximize INS efficiency and effectiveness and to decrease massive backlogs while increasing the number of New Americans.

please turn into a memo to Cecilia, & clear w/ INS thru LeeAn

EXECUTIVE OFFICE OF THE PRESIDENT

20-Feb-1996 08:33pm

36.

TO: Jennifer M. O'Connor

FROM: LeeAnn Inadomi
Office of Cabinet Affairs

CC: Shana E. Tesler

SUBJECT: RE: INS issue

I just spent 50 minutes on the phone with someone in Meissner's office that sat in on her meeting with IAF. She DID NOT in any way walk away from the goal of Citizenship USA.

Background on processing applications in LA:

- before the announcement of Citizenship USA (8/95) there were roughly 224,000 applications pending. Since that time they have not increased their backlog - there are still 224,000 pending.

- before the announcement, INS officers were conducting roughly 600 interviews per day. They are now at 1600/day.

- last year, they were swearing in 10,000 new citizens per month. Starting in April they will be swearing in 50,000/month.

- last summer there were 33 INS officers in LA. They are currently in the process of hiring more staff and had been waiting for some time for Congress to approve their re-programming request. By May, they will have 145 officers.

INS is definitely on track to meet their goal by this summer (more like Labor Day). They have had initial conversations with Elaine Kamark about ways to improve their process.

- they are talking to NPR about possibly working with the Park Service and GSA to find sites for their ceremonies (they can process the applications, but if they don't have a site for swearing-in ceremonies get stalled). Apparently finding sites in LA is a problem.

- they are also talking to NPR about using furloughed workers or detailees.

- another way they can use Federal workers is to have them do the English/civics questioning part of the interviews. This would

TB 000277

36.

shorten the interviews of INS officers and they can then process applications more quickly.

INS would not recommend the Vice President meeting with this group. If this is a meeting that has to happen, then we should definitely have someone from INS in the meeting.

Let me know what else you need.

37.

To: Fernanda Young
From: ~~Tanya Shinawatra~~
Date: 6/20/1996
Subject: ~~NACS Meeting~~ Report

This is to document issues discussed and agreements reached with program offices during today's NACS meeting. Meeting attendees were representatives from HQOPS, HQBEN, EDS and HQIRM.

The purpose of the meeting was to review HQIRM/EDS Tiger Team's proposed plans, prepared to reach timely resolution of the most critical problems having impact to production. Proposed plans developed with program offices' interests taken into consideration were presented by Fernanda Young. The attendees agreed to HQIRM's recommended prioritization and plans developed in handling NACS high priority action items.

The following four major topics were discussed:

1. STANDARD PROCESSES

2. SPECIAL PROCESSES

3. BATCH CERTIFICATE PRINTING

4. PERFORMANCE

   - Communications
   - NACS Performance

Please refer to Meeting Reports presented at the meeting for more detail information.

The following lists action items based on agreements reached, in efforts to reach timely resolution and to improve overall NACS performance:

1. Provide clear direction to SC's to know when to check off FD258 during RCPTing, as required for scheduling Oath Ceremonies. **HQOPS/HQBEN**

2. Do a sweep in mainframe to determine the amount of population that do not have FD258 box checked during RCPTing. **EDS**

   Provide direction and necessary requirements for cases without FD258 box checked, to determine whether to closeout these cases or not, once results of the sweep is provided. **HQOPS**

37.

3. Speak with Don Crocetti on FBI taking 3-4 months to return a fingerprint hit match back. This would jeopardize Adjudications, since Adjudications makes an assumption that a case is OK after 45 days we have not received a response from the FBI. **HQOPS**

5. Follow up with LOS for apprppriate action to take on 132,000 old ceremony cases from 1992 or older, in efforts to close up all cases with all proper flags and provide a report of exception cases **HQOPS**

6. Inquire five NACS sites to collect comments, in reference to Eicon Gateway performance and overall basic NACS on-line access. **HQOPS**

7. Provide to HQOPS an email template of questionnaire to be used by NACS sites to provide responses to HQ, in reference to NACS performance. **Pete Rundel**

   On-line NACS will be taken off-line during July 4 - 5, in efforts to acquire most off-line hours required to support NACS performance related efforts. Need HQOPS input and concurrence. **Terry O'Reilly**

8. Prepare NACS off-line announcements through E-mail and NACS News. **HQIRM/HQOPS**

9. Next meeting will be held 6/27/96, at 2:00 p.m., in 3rd floor conf. room 3211.

cc: **HQOPS**
HQBEN
EDS

Senator SIMPSON. Now, please, Kathi Flynn.

STATEMENT OF KATHI FLYNN

Ms. FLYNN. Mr. Chairman and members of the Senate Immigration Subcommittee, thank you for the opportunity to submit this testimony of my observations of the naturalization process as a staff member of the International Institute of Lowell. It is an honor to speak before you on this very significant issue of great interest to the communities I have served for 13 years through the International Institute.

My name is Kathi Flynn and I am a proud resident of Lowell, MA, a city about 20 miles north of Boston and well-known for over 100 years as a center of welcome to new immigrants arriving to this country from all over the world. I have lived in Lowell all my life. It has been my pleasure to work with this community of immigrants and refugees for 13 years, assisting them in applying for green cards, petitions, reentry permits, and their applications for citizenship.

My interest in our city's rich ethnic history predates my work with the International Institute. Both my late husband and I were very, very active in ethnic activities. My late husband was chairman of the Greater Lowell Regatta Festival Committee, and also with the Lowell National Historical Park. The city of Lowell respects and promotes the unique and fascinating mix of ethnicities found here, and I am happy to be a part of these efforts.

You are probably familiar with Lowell history as a center of textile manufacturing. The International Institute of Lowell, now 75 years old, played a role in that history. Originally, the institute was established to serve the large number of girls moving to Lowell from Ireland and other parts of Europe to work in the textile mills. The institute also helped the girls that came from the farms to work in the mills. They helped them get established.

Gradually, over the last 75 years, the institute has evolved into a multiservice center for people coming from all over the world, and the institute has served 61 language and ethnic groups over the years, and as you know, Lowell has the second largest population of Cambodians in the country. Assistance with the citizenship application is by far at this point the largest service that we provide. We assist approximately 150 people per month with the citizenship application.

Our clients, mostly Southeast Asians who resettled as refugees in the 1980's, are enthusiastic and eager to naturalize. After living here for 10 years or more and learning about our U.S. traditions, becoming involved in the life of our community as parents, homeowners, business people, they are ready to become citizens. In many ways, they reflect the enormous interest in citizenship found in immigrant communities all across the country.

Most of our citizenship applicants have come from countries in which it was impossible and prohibitive to express a political opinion. Therefore, the opportunity to vote and express an opinion freely and openly—what many of us take for granted—is highly valued by our applicants.

In my experience, the improvements INS has made over the last few years have facilitated the citizenship process greatly. Standard-

ized testing has given integrity to the testing process. It has made the citizenship process more efficient and more fair. Previously, there was no standard procedure. Passing the exam depended solely on who was testing the applicant. For instance, one applicant could get five questions wrong and pass, while another could get one wrong and fail. Now, the process is much more consistent. This consistency contributes to raising the confidence level of applicants because they know they will be treated equally and fairly.

The International Institute is a testing site. We test once a month, the second Saturday of each month. We interview all our applicants, first, to make sure they understand the naturalization process; second, to assess the English capability of applicants to take the test in English. If the applicant does not demonstrate English ability at the time they register for the citizenship civics test, we tell them to please go and study more English. If an applicant is elderly, we advise them on their options to bring an interpreter with them to the INS interview.

The State of Massachusetts has created a citizenship and democracy education project that provides comprehensive instruction in American civics in English. We expect our applicants to value how our Government works and to have a knowledge of American history in civics before they take the citizenship test. We provide applicants with materials to review. We provide two workshop sessions the week before the Saturday test. In the review sessions, I concentrate quite a bit on spelling. English spelling can be very, very difficult and that is where the most problems are, and people have found that very, very helpful.

Our successful applicants have studied English as a second language in a number of programs in Lowell—Lowell High School, Middlesex Community College, University of Massachusetts at Lowell, programs at the International Institute provided by community-based organizations, and ESL classes through local churches. Our applicants have also acquired English through their work and their studies at college. All of our successful applicants have excellent reading comprehension, although many speak with an accent. As I said earlier, our applicants are highly motivated to participate fully in American life.

We also provide our applicants with a xeroxed copy of the N–400 and instructions on the citizenship application process. We go over the application carefully with the person applying. We ask our applicants to take a copy of the citizenship application home, carefully filling it out, paying close attention to all the questions. We want them to understand the content of the form so that they will be prepared to answer any questions from the INS officer at any time in the interview.

We have been testing since March 1992. During these years, we have carefully maintained a secure testing environment. We have been in frequent touch with INS to guarantee that we were carefully monitoring our testing. We have attended many workshops on security issues and are well-versed in security procedures. Before testing, we tell our testing service ahead of time what our capacity for testing is. There can be no more than 150 applicants.

At the day of the test, all applicants must present a positive I.D., such as a driver's license, and their green card. No one is permitted

to wander through our building. We provide two proctors, instead of one, during the classes. We lock up the tests. Because we screen our applicants' applications thoroughly, we can pick up on any inadvertent problems.

Nonprofits with a longstanding reputation in the community such as ours are in the best position to serve as sites for citizenship testing. These community-based organizations have the background, knowledge, and respect of the immigrant communities they serve. They have knowledge acquired through years of experience of immigration law and have a thorough understanding of the naturalization process. They know the histories, backgrounds and problems with their communities. They are committed to assisting legal immigrants through the legal process and maintaining the integrity of that process. As nonprofits, they are accountable by law to their community boards and other community institutions. For these reasons, they are ideal collaborators.

We have a very positive working relationship with INS. As an example, to facilitate processing, INS held a naturalization ceremony in Lowell at the Lowell Memorial Auditorium. INS interviewed 600 applicants in a 4-day period and on the fifth day we swore in 400 people. In October, we will work together with INS to assist our applicants once again, and this time it will be done in Boston.

In conclusion, citizenship is of vital importance to our communities. Immigrants contribute significantly to American life. That contribution is amplified many more times when immigrants become citizens. It is my hope that the INS can continue in its effort to encourage naturalization. Many immigrants have come up to me and said that for years they have been waiting for the opportunity to become a citizen, and we are proud to have played a role in helping that dream come true.

Thank you.

[The prepared statement of Ms. Flynn follows:]

PREPARED STATEMENT OF KATHI FLYNN

Mr. Chairman and members of the Senate Immigration Subcommittee, thank you for the opportunity to submit this testimony of my observations of the naturalization process as a staff member of the International Institute of Lowell. It is an honor to speak before you on this very significant issue of great interest to the communities I have served for 13 years through the International Institute.

BACKGROUND

My name is Kathi Flynn. I am a proud resident of Lowell, Massachusetts, a city 29 miles north of Boston, well-known for over a hundred years as a center of welcome to new immigrants arriving to this country form all over the world. I have lived in Lowell all of my life. It has been my pleasure to work with this community of immigrants and refugees for thirteen years, assisting them in applying for their green cards, petitions, reentry permits, and the application for citizenship, the N–400. My interest in our city's rich ethnic history pre-dates my work with the International Institute. Both my late husband and I were active in ethnic activities—my late husband as chair of the Ethnic Committee of Greater Regatta of Lowell. Lowell is know as the first planned industrial city in the country, and is know as having the first national urban industrial park. The city of Lowell respects and promotes the unique and fascinating mix of ethnicities found here, and I am happy to be part of those efforts.

THE INTERNATIONAL INSTITUTE OF LOWELL

You are probably familiar with Lowell's history as a center of textile manufacturing. The International Institute of Lowell—now 75 years old—played a role in that

history. Originally, the institute was established to serve the large numbers of young girls moving to Lowell from Ireland and other parts of Europe to work in the textile mills. The institute helped those millgirls with their immigration papers. Gradually, the institute evolved as a multi-service center for peoples coming from all over the world. The institute has served 61 language and ethnic groups over the years. Lowell has the second largest population of Cambodians in the country.

HIGH INTEREST IN CITIZENSHIP

Assistance with the citizenship application is by far the largest service we provide. We assist 150 per month with the citizenship application. Our clients, mostly Southeast Asians who re-settled as refugees in the 1980s, are enthusiastic and eager to naturalize. After living here for 10 years or more and learning about our U.S. traditions, becoming involved in the life of our community as parents, as homeowners and business people, they are ready to become citizens. In many ways, they reflect the enormous interest in citizenship found in immigrant communities all across the country. Most of our citizenship applicants have come form countries in which it was impossible and prohibitive to express a political opinion. Therefore, the opportunity to vote and express an opinion freely and openly—what many of us take for granted—is highly valued by our applicants.

THE CITIZENSHIP TESTING PROCESS

In my experience, the improvements INS has made over the last few years have facilitated the citizenship process greatly. Standardized testing has given integrity to the testing process. It has made the citizenship process more efficient and more fair. Previously, there was no standard procedure. Passing the exam depended solely on who was testing the applicant. For instance, one applicant could get five questions wrong and pass, while another could get one wrong and fail. Now the process is much more consistent. This consistency contributes to raising the confidence level of applicants because they know they will be treated equally and fairly.

The International Institute is a testing site. We test once a month, the second Saturday of the month. We interview all applicants to (1) make sure they understand the naturalization process and (2) to assess the English capability of applicants to take the test in English. If the applicant does not demonstrate English ability at the time they register for the citizenship civics test, we tell them to study more English. If an applicant is elderly, we advise them on their options to bring an interpreter with them to the INS interview. The state of Massachusetts has created a Citizenship and Democracy Education project that provides comprehensive instruction in American civics in English. We expect our applicants to value how our government works, and have a knowledge of American history and civics before they take the citizenship test. We provide applicants with materials to review and we provide two workshop sessions the week before the Saturday test. In the review sessions, I concentrate quite a bit on spelling. You know how difficult English spelling can be. People find that very helpful.

Our successful applicants have studied English as a Second language at a number of programs in Lowell. Lowell High School, Middlesex Community College, Univ. of MA at Lowell, programs at the International Institute provided by community based organizations and ESL classes through local churches. Our applicants have also acquired English through their work and their studies at college. All of our successful applicants have excellent reading comprehension, although many speak with an accent. As I said earlier, our applicants are highly motivated to participate fully in American life.

We also provide our applicants with a Xeroxed copy of the N–400 and instructions on the citizenship application process. We go over the application carefully with the person applying. We ask the applicant to take the copy of the citizenship application home and carefully fill it out, paying close attention to all questions. We want them to understand the content of the form so that they will be prepared to answer any questions from the INS officer at the time of the interview.

SECURITY AND QUALITY CONTROL

We have been a testing site since March of 1992. During these years we have carefully maintained a secure testing environment. We have been in frequent touch with INS to guarantee that we were carefully monitoring our testing. We have attended many workshops on security issues and are well versed in security procedures. Before testing, we tell our testing service ahead of time what our capacity for testing is. It can be no more than 150 applicants. At the day of the test, all applicants must present a positive I.D., such as a driver's license and a green card.

No one is permitted to wander through the building. We provide two proctors at the time of the test. We lock up all tests. Because we screen our applications thoroughly, we can pick up on any inadvertent problems.

NON-PROFIT ORGANIZATIONS WORKING WITH THE INS

Non-profits with a long standing reputation in the community, such as ours, are in the best position to serve as site for citizenship testing. These community based organizations have the background, knowledge and respect of the immigrant communities they serve. They have knowledge acquired through years of experience of immigration law, and have a thorough understanding of the naturalization process. They know the histories, backgrounds, and problems within their communities. They are committed to assisting legal immigrants through the legal process and maintaining the integrity of that process. As non-profits, they are accountable, by law, to their community boards and other community institutions. For these reasons, they are ideal collaborators.

We have had a very positive working relationship with the INS. As an example, to facilitate processing, INS held a naturalization ceremony here in Lowell at Lowell Memorial Auditorium. INS interviewed 600 applicants and swore-in 400 in one day. In October, we will work together with INS to assist our applicants, this time in Boston.

CONCLUSION

Citizenship is of vital importance to our communities. Immigrants contribute significantly to American life. That contribution is amplified many more times when immigrants become citizens. It is my hope that the INS can continue in its efforts to encourage naturalization. Many immigrants have come up to me and said that for years they have been waiting for the opportunity to become a citizen. We are proud to have played a role in helping that dream come true.

Senator SIMPSON. Well, thank you very much. That was most intriguing, and it sounds to me like your organization is an extraordinary example of just what an immigrant assistance organization should be about, and I am certainly impressed by that. We are well aware of Lowell's rich immigrant history because I have assisted your senior Senator in obtaining special grants, various unbelievable requests through the two decades, funding for Lowell refugee resettlement efforts. You are very fortunate to have such a spokesman and a loyal ally, so I am going to slip over and take a look at it all when I get to Harvard. [Laughter.]

And I will not bring the senior Senator—well, I may bring him. It is remarkable, and I will get to a question here in a moment.

I want to note for the record that Ms. Jenks has provided a truly impressive set of attachments to her written testimony—it is very complete—to support the statements that she makes, and I would urge those with an interest in this issue of possible interference with naturalization from on high to read her testimony and many of the attached documents. We certainly don't have the time to review all that, but it is all there and it is all attributable and it is there for people to read.

The Center for Immigration Studies has provided us in Congress and the country with policy research analysis on U.S. immigration policy and reform efforts for a number of years, and you have obviously been personally involved in the current naturalization initiative. We passed the employer sanctions legislation more than 10 years ago; that is, penalties against employers who knowingly hire—I notice that word gets left out now and then—"knowingly" hire illegal, undocumented persons.

I think all observers of the issue would agree that it has been less effective, certainly, than Congressman Mazzoli and I expected

when we drafted that law in the early 1980's. I personally feel that fraudulent documents have had the most important role in undermining the effectiveness of sanctions, but an equally important reason for its relative ineffectiveness has been a lack of enforcement by the Immigration and Naturalization Service. For whatever reasons, through several administrations, or at least two-and-a-half, they have simply been unwilling to make the effort.

We might speculate on what might have been the result if an application of resources, management time and interest, assistance from the Vice President's office and all such things, as we have seen with this citizenship initiative, had been directed toward the enforcement of employer sanctions. I think the American public, it would be my view, would look at the resources directed here and wonder if those resources might have been better directed toward the enforcement of those who knowingly are hiring illegal, undocumented persons; that is, employers who flaunt the system.

Might you agree that if a similar effort had been made with employer sanctions, the illegal immigration problem might be greatly reduced today?

Ms. JENKS. That is very possible. The other impact, I think, that is very important to consider here of this naturalization program and the pressure coming down from above to naturalize 1 million-plus new citizens before the end of the year also had a very strong impact on INS employees. In the enforcement sections, in investigations, in all branches of the INS, basically, they felt that naturalization was the focus of the Agency.

They were having to detail their enforcement personnel, inspectors, all kinds of personnel to the naturalization program and so they didn't have the resources that they needed to do even the level of investigation, and so on, that they had been doing before this. They were losing their personnel to naturalization, and the very clear impression of these employees is that their jobs didn't matter.

Senator SIMPSON. Well, that is the troubling part of this.

Ms. Flynn, both nonprofit agencies such as your own and forprofit agencies are permitted to administer these standardized citizenship tests. It seems to me that some of the most publicized abuses of the testing process have come from the forprofit businesses who have a financial stake in impressing prospective clients with a very favorable pass/fail rate, and then, of course, the sometimes ideologically driven nonprofits.

But what are your views on that subject? Should test affiliates be limited to nonprofit agencies? INS officials have also said they are troubled by the use sometimes of ethnic community entities that are too eager to help the applicants pass the test. What safeguards would you suggest which would prevent such community agencies from abusing the trust, along with the forprofit organizations which might be abusing the trust? Could you share that?

Ms. FLYNN. Well, of course, I am very prononprofit, naturally. The forprofit is a moneymaking entity. Therefore, I don't know if they would be as strict or have as much integrity as a nonprofit would. As for the other question, would you repeat the last half of it?

Senator SIMPSON. The other one was about the ethnic-driven—the phrase from the INS was they are troubled somewhat by the

use of "ethnic community entities that are too eager to help the applicants pass the test."

Ms. FLYNN. Well, you know, I am sure there could be a problem there. We are not one-community-oriented at our agency. There are others that are spread around, but if they follow the way the testing program is set up, you should not run into any of those problems. If it is an ethnic group giving it, they should follow what they have been taught by the testing services. They shouldn't be giving any special consideration to their group to get them to pass that test. We do not agree with that at all in our agency. We don't allow any of that.

Senator SIMPSON. Well, I think that is admirable. I know the time—I will give Ted a little extra. Just another question about where we are, and I will ask Ms. Flynn, the 1990 census found that only 40 percent of all immigrants had become U.S. citizens. That was the lowest rate of naturalization since the 1920's. Much has changed since 1990. Five times as many naturalization applications were filed in 1995 as were filed in 1991. Even the INS has no idea whether this historic rise in naturalization applications will continue through the end of the decade.

Could you give us your views? We know about the bill and the people becoming eligible and the fear of Proposition 187 and the fear of what was happening with the debate on welfare from both parties. What are your views? In the 1950 census, just after World War II, we found that almost 75 percent of immigrants had become citizens. That was the high point. Do you think we will reach or exceed that level? What do you think will happen?

Ms. FLYNN. I am sure we will exceed that level, and from what I see, the reasons for the high influx as far as we are concerned are the amnesty program, that people who got the amnesty program are now eligible for citizenship. A few years ago, the law came in that everyone had to update their green cards. Many people have opted—instead of renewing the green card, they were going for citizenship because we would explain both processes to them. Another one is the high political resentment that is out there toward immigrants, and they feel that by becoming a citizen that they are going to be part of the American dream and not be considered immigrants anymore.

Senator SIMPSON. Ted, please.

Senator KENNEDY. Thank you very much, Mr. Chairman. Ms. Jenks, I want to say that there are a number of things that you mention which I would certainly agree with. I think there are needs for improvement that we have been talking about today—the better job of testing English and civics. We need to do better to ensure the integrity of the whole process, as was related to some of the questions here today.

On some of the other matters that were considered by the performance review which were referenced in your comments, as I understand it, some of them were misguided, but as I understand it, there was the debate in INS, Justice, and the performance review about some of these suggestions. Eliminate in-person interviews—that was rejected; the proposal for same-day service, rejected. The proposal to use prisoners to help with paperwork was never implemented, and the proposal for personalized letters from the Presi-

dent to all new citizens was rejected, and the pressure to approve cases.

Obviously, the numbers must have increased, but still, as I understand it, the rejection rates are still at about 17 percent, which was the average before. So there were obviously strong actions that were necessary when you have this 300-percent increase in the applications, and if they hadn't gone forward, people could have waited up to 4 years. Still, we need to see some improvement.

As I understand it, those criminal checks now are tighter, not looser, since the INS now gets the FBI response for every applicant. We had that blip period where I guess 60 or so got through the process, which was during the transition and which is being addressed. Now, there is more extensive FBI involvement.

Also, the INS has the world-renowned Center for Applied Linguistics reviewing the English test, so hopefully we will get something here. INS has contracted with experts to review the civics exam, too. So some of these matters with regard to INS, and also the Center for Applied Linguistics and also some of those reviews about outside testers, sort of escaped your critique.

I don't know whether you have some comment. I want to give you a chance.

Ms. JENKS. I actually would like to comment. First of all, I would like to emphasize that I didn't come to any of the conclusions in this testimony lightly. I reviewed thousands of pages of documents from the INS, from the White House, from Vice President Gore's office, and everything that I said in that testimony has an attachment to back it up. I consider these to be very serious charges and I certainly would not make them without the evidence to back them up.

My information as of this past week on, for example, the FBI checks on criminals differs from yours somewhat. For example, the reports now coming out of the Chicago INS Office are that about 300 criminals were naturalized. The other thing to keep in mind with the FBI checks coming back is that, of course, simply because there is a hit reported by the FBI does not mean that any alien is ineligible for naturalization, but if that alien wrote on the application that he or she had not ever been charged or arrested or any of that, then that is perjury on the application, and that does make the person ineligible.

The other thing is that there were some other options that the INS could have considered with the fingerprint checks. For example, there are now electronic scanners that can send the print to the FBI and get a response back the same day. So the entire 60-day waiting period could have been eliminated and the whole process made much less labor-intensive had the INS spent some of its Citizenship USA money on that kind of technology. Rather than bringing in over 900 temp workers and, you know, all these other things, they could have made other choices that, in my view, would have been better for the integrity of the process.

Senator KENNEDY. Well, we have been wrestling around in terms of immediate information available on illegals, for example, and maybe we need to have the 1-day service in terms of the fingerprints. I don't see why from a technological point of view it shouldn't be there. I think all of us will let them respond to the

reasons why they made one judgment over the other, but the fact that they did it the other way—we wish they had done it one way, but the idea that for years they didn't have the adequate followup with the FBI, that they only regarded the hits as being the cases and now they are requiring every single instance to have some followup would generally give me the impression that that is probably a better way, a more comprehensive way of doing it.

Well, people will be able to go over these recommendations and be able to evaluate whether these changes were done because of the pressure in terms of the numbers of applicants, for some of the reasons which Ms. Flynn has pointed out which I would agree—the numbers, the amnesty coming on stream, and also, I think, the backlash in terms of some of the rhetoric that was around during the general debate and discussion, and the focus on the illegal and the spill-off on legal. I think an awful lot happened on that.

But the bottom line at the end of the day is I think you are going to find that they did take extraordinary steps and they did target the principal areas, some of which were Republican, some of which were Democrat. I don't know what the figures are in the other cities, but they certainly did get registration in some areas more Republican than Democrat, and back and forth. So we will let history or others review those administrative steps that were taken.

Finally, I want to thank Kathi Flynn. I have to just pick up just for a moment on Lowell, on the Cambodians, I think, because this was one of the areas that Senator Simpson and I—how we were going to provide help and assistance to the settlements for people, and that period of time, as you know, has gone from 3 years down to just several months, 6 or 8 months, probably, now. We have been always trying to figure out how that could be done better with less money and indeed be done more efficiently.

But what we have really never looked at is the second wave of immigration of those people that were settled, and Lowell has received it and it has been a phenomenon and it has been a reality and it has been a lesson of immigration policy, where many of these individuals were settled in different parts of the country. You have got 3 Cambodian temples up in Lowell now, and the community involvement and support, and the extraordinary efforts in education and what was done up there with the school committee in getting teachers that understood the language really uniquely from other parts of the country.

One of the factors that has so impressed me is this is a hard-working, blue-collar town and they expanded their school budget to deal with these issues, with very, very little help and assistance. I want to thank Senator Simpson for some help and assistance that we did receive up there, but in proportion to the kind of burden that the members of the community took on through there it was just an extraordinary effort of really reaching out and trying to help and assist. Not that the community hasn't got problems in terms of dealing with some of the burdens that have come up there, but it is really an extraordinary tribute to the people up there, and I know that your organization worked very closely with them.

We want to thank you very much for being here and joining us here today.

Ms. FLYNN. Thank you.

Senator KENNEDY. We will look forward to drawing on your knowledge and the knowledge of the institute about these issues as we deal with them in the future.

I want to thank the Chair very much for a very informative and interesting and, I think, constructive hearing that will be very valuable to all of us. I thank the Chair.

Senator SIMPSON. I thank you very much, both of you. It was very helpful to us, and I will submit some questions in writing to Ms. Jenks.

I don't want to make it into a hearing about whether the White House—about how much pressure was involved, but obviously your documents disclose a White House involvement and a vice presidential involvement, not sinister. Let us leave that out. The point is not that all of the streamlining suggestions of the White House or the Vice President's office were bad necessarily, but rather that the motive was extraordinarily bad, if that is the case, and dangerous not only for naturalization, but potentially for other administrative agencies that get tangled up in that process trying to meet their own statutory responsibilities.

So if you can, in the course of answering questions—I think Doris Meissner testified when we first had that hearing that she had a stated goal of making naturalization a high priority. You have stated that and I think it was the highest of motives and goals, but something happened along the way, and then the role community-based organizations played in the process, nonprofits versus profits; the impact of Citizenship USA on the INS employees with whom you have spoken and have their testimony; a reliable estimate of the number of criminals naturalized because of the improper waiting period. Those things are important to us in our oversight capacity, and you have helped us to come to a better record on that and that will be available to colleagues in the future. So the record will remain open for a week.

The subcommittee is planning on having a hearing on citizenship on October 22, where we will look at the statutory requirements for citizenship and the propriety of birthright citizenship in relation to today's public support systems. That is a tough issue. That is the one about a child of illegal parents in the United States is a legal citizen of the United States. I don't want to spend a great deal of time there, but that is a burning issue, and then later having an opportunity to apply under the legal provisions for the same persons.

That is not in any way but just an examination. The House apparently had done that. We did not deal with it, nor cared to deal with it in the latest immigration legislation, but we will have a hearing on it and see if people are saying, well, you know, it is in the Constitution or it should be resolved or they are not under the jurisdiction of the United States if they are not citizens of the United States, and that type of thing, and we will do that in a responsible way, as we have tried to do other things along that line.

So I thank Senator Kennedy for his presence and taking a good deal of his own personal time through the years to attend hearings of the subcommittee. I always tried to do that when he was chairman and, as I say, it has been a very gratifying relationship, with

some legislation on the books which generally we can concur with, with a few bend points that don't fit.

So to John Knepper, who is assisting here, and Chip Wood, steady people, steady persons who have been here for so long, and Trudy Settles here, and our intern, Amina Al-Sayad, and the Rev. R.W. Day of some church—oh, excuse me—an old friend. Somebody said, what are you going to do, Dick? He said, something else; I am not going to ever do this again. And to Michael Myers and to Ted's staff and to all, thank you very much.

That concludes this hearing.

[Whereupon, at 12:29 p.m., the subcommittee was adjourned.]

NATURALIZATION REQUIREMENTS AND THE RIGHTS AND PRIVILEGES OF CITIZENSHIP

TUESDAY, OCTOBER 22, 1996

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:07 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee) presiding.

Also present: Senator Kennedy.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. The hearing will come to order.

This will be, I think, the last subcommittee hearing in the Senate in this session.

I am very pleased that those who will follow, Democrat and Republican alike, will take a great interest in this issue.

It will be done in a bipartisan way, just as Senator Kennedy and I have tried to do for 18 years together, and I feel have. Our staffs have worked together closely through the years. It is not a partisan issue, and it cannot be. It is an American issue. And it is a tough one.

So it is good to have you here. We have a fine group of witnesses, and look forward to some very credible testimony. During the periods I have been Chairman, totaling about 8 years, we have held several dozen hearings, but I cannot recall an incident where we had three witnesses who were scheduled but then were unable to attend. Yet that is what happened this time and it is too bad. Yet each cancellation was necessary.

Yesterday, not one, but three called to say they could not participate. Professor Larry Fuchs of Brandeis University, who was as many of you know, Executive Director of the Select Committee Commission on Immigration and Refugee Policy and who is now co-chair of the U.S. Commission on Immigration Reform, is ill, and could not be with us today.

Professor Nathan Glaser of Harvard has a lot of water in his basement in Cambridge. You may have seen the television record of the tremendous flooding in Boston. He could not be with us as a result of the storm.

Richard Estrada of the Dallas Morning News, and the Commission on Immigration Reform, is traveling on a commission trip. His scheduled departure was advanced 1 day, which prevented him

from being here this morning. We shall miss their contributions. Nevertheless, we have an excellent panel and an important issue to examine.

Senator Kennedy is with us. There is no water in your basement in Cambridge, is there? You escaped?

Senator KENNEDY. We had it all down in Cape Cod.

Senator SIMPSON. Boy, it really was something, was it not?

Senator KENNEDY. It was something, up there.

Senator SIMPSON. Indeed, there was.

Well, let me just make a few remarks and then go to Senator Kennedy.

Citizenship is in the news, in part because of the unprecedented number of immigrants who have recently applied for naturalization, and unprecedented numbers actually becoming citizens.

It has been claimed about many of those who have naturalized, that they appear to lack an understanding of ordinary English, and have little knowledge and understanding of the inspiring history of the United States of America, or the principles and form of Government of this country.

It has also been claimed that many have now decided to become U.S. citizens only because they believe they would be able to retain their original nationality as well.

Some have asserted that a large part of the recent increase has been motivated more by concern about the loss of various kinds of economic and immigration benefits than by a desire to become members of the American political community, and thereby acquire the right to vote, and other precious political rights of U.S. citizenship—and more generally, to become a part of the Nation they love, a Nation, a people, to wish they wish to make a permanent commitment.

I do not know how much of that is true, but I find it profoundly disturbing that any of those claims might indeed be true. If these things are happening, citizenship is being seriously devalued, to our peril, and even more to the peril of our children and grandchildren.

I do not think it is too much to say that America's future depends on the survival of our political institutions, and the wise exercise of legitimate power in the national interest, by officials at all levels of Government. Yet both of these—survival of political institutions and wise exercise of Government power—rest, ultimately, on the possession by U.S. citizens of traditional American values, including freedom and democracy, as these have been traditionally understood, here, in our land.

It is my feeling—and I have said this—that American citizenship is more precious than any other status a man or woman can have. Why is that? Because not only does it guarantee membership in the society that offers the most political and civil liberty of any Nation, in any stream of history, and the opportunity to participate in choosing the Government, and therefore, in crafting the laws that will help shape its future. In addition, it provides the immense emotional satisfaction of being part of a Nation with a very special and wonderful history, full history, filled with great accomplishments, a Nation that has contributed so much to the world in so many ways.

But all of that is not inevitable. As much as any of us may have our own view of this beautiful land, we all know that nothing in America's physical environment is magical. There are no mystic vapors that rise from the earth to cause all who breathe it to acquire all the values and qualities that must be present in some critical mass of people—if, that is, we are to keep intact our political institutions, and, indeed, retain the aspects of our national character that have contributed not only to the stability and effectiveness of our Government, but the successes we have enjoyed in so many areas of endeavor.

No, all of the needed values and virtues must be learned, and learned by each person, individually.

So it is in the national interest, I feel, that immigrants acquire the allegiance, the emotional ties, the English-speaking ability, the understanding and the valuing of our political institutions before they are naturalized. For otherwise, the votes they cast and the decisions they make as government office holders may move this Nation toward policies that have been found so destructive for the countries from which most of such immigrants have left, seeking a better life.

In this hearing, I would hope we can cover at least three general questions.

They would be: Should current naturalization requirements be changed? No. 2, When should dual citizenship be allowed? And No. 3, What should be the difference in rights and privileges between citizens and permanent resident aliens?

With respect to that first issue, should there be an increase or a decrease in the required level of English language ability, or knowledge and understanding of U.S. history and Government?

Do the current requirements under present day conditions result in immigrants naturalizing, and therefore, obtaining the precious right to vote, under circumstances in which they can reasonably be relied upon to exercise this right in a way that is consistent with our traditional political values, and thus in accord with, "the national interest"?

Should there be any change in the period of residence in the United States required before an immigrant may naturalize?

Is the current 3-year period required for spouses of citizens, or the 5 years required of others—is that appropriate, an appropriate period?

Are these sufficient for the development of the emotional ties to America, the political allegiance, and the assimilation—and yes, "assimilation" is the word I would use, the word used in the work of Barbara Jordan, bless her, discussed that as to the assimilation of American political values that should exist before the political rights of citizenship are granted.

Then, if we could touch briefly on dual citizenship. When should that status be permitted? Should naturalization require the transfer of full political allegiance to the United States and thus renunciation of all foreign allegiances?

What if that renunciation is not recognized by the relevant foreign Government?

How could such an immigrant demonstrate that he or she will transfer full political allegiance to this country?

It does seem to me that an essential part of the difference between citizens and aliens, and one of the most important reasons we should not allow aliens to vote, is political allegiance.

An alien, by definition, owes political allegiance to a foreign state. If an alien may become a citizen of the United States, without giving up his or her former citizenship it surely appears there will be a vivid risk of conflicting loyalties, and I think that that deserves our attention.

Would they take too much into account the interests of the country of their alternative nationality, perhaps even doing so if it were harmful to the interests of the United States?

And finally, with regard to the third issue, differences between the rights and privileges of citizens, and that of permanent resident aliens, should such differences be confined to the political realm, such as the right to vote or hold public office, or other Government employment? Or should there also be differences in other areas, such as eligibility to apply for welfare, or petition for relatives to immigrate?

Do differences in nonpolitical areas provided undesirable kinds of incentives for naturalization?

Is it in the national interest for immigrants to seek U.S. citizenship for a principal reason that they can apply for benefits, or bring in members of their family under family reunification?

So, we will ask our able witnesses to share with the subcommittee their views on each of these three areas—naturalization requirements, dual citizenship, the rights and privileges of citizens compared to permanent resident aliens.

I hope each of you would describe your views on these particular questions, not only your conclusions, but your reasoning, principles that you believe should determine how these questions relating to the "meaning of citizenship," should be answered. When should we allow the citizen of another country to join our political community and thereby obtain a right—equal to that of every adult citizen already here—to be part of determining the laws, the policies, and the leaders that will be so influential in determining what kind of country the United States of America will be in the future? And what rights and privileges should be perhaps withheld before they take the step of naturalizing?

Those are fundamental issues that we might explore this morning. You will note that we will not focus on the issue of a constitutional amendment providing that U.S.-born children of illegal aliens are not citizens at birth. That will be the subject, I am sure, of a great deal of debate later, and, I suppose, litigation.

But I do thank you for your presence. I now recognize the ranking member. This will be our last hurrah, and then I will not only disappear from the scene, but he will have taken Bob Dole off the program of face-off, and me off the program of face-off. Lord knows what rampaging will go on in the future in that forum.

But it has been a good run with a good friend, and I have enjoyed him, immensely.

STAEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you, Mr. Chairman.

As I mentioned, the chambers of the Senate are quiet, and the hearing rooms are quiet, but Senator Simpson is still pursing responsibilities that he has as the Chairman of this important committee, and dealing with an informational hearing this morning on some of the most basic and fundamental issues, where many people are out, I am sure, making a lot of speeches about today.

But I think having at least this forum to address some of these issues is really in the best traditions of our legislative body and this committee. So I thank him for his leadership, and also for focusing on these issues here today.

These issues go to the heart of what it means to be an American. Naturalization requirements are designed to ensure that new citizens are prepared to accept not only the benefits but the responsibilities of citizenship.

The Constitution itself gives Congress the power to establish uniform rules on naturalization, and the 14th amendment made clear that all persons born or naturalized in the United States are citizens. There are no second-class Americans.

So today's naturalization requirements have their roots in our earliest history. The requirement that immigrants must reside in the United States for 5 years before they qualify for citizenship was proposed by Thomas Jefferson, and has been the law for most of the past two centuries. The requirements of "good moral character" and commitment to the Constitution have existed almost as long.

These time-honored provisions on naturalization—belief in democracy, respect for the rights and freedoms of all Americans, and commitment to this country—have helped make us the great Nation that we are today, and serve as guideposts for the future.

New citizens in Massachusetts recently participated—as a matter of fact, last night—it's kind of timely and interesting, and I will not read all of it. But just last evening, five immigrants who have made a significant public contribution to Massachusetts received an Award at the second annual Governor's ceremony, American appreciation at a ceremony last night in the Sheraton Boston Hotel. They included Maria Dominguez. In 1973, at age 22, Dominguez escaped Castro's Cuba by boat with other refugees, was accepted as a political refugee, and became a citizen in 1989.

She had not seen her family in Cuba for 18 years. Dominguez taught herself English, found work, and eventually graduated, summa cum laude, in sociology from Boston University. She has worked at the Massachusetts Society for the Prevention of Cruelty to Children since 1987.

Her recommender has said Dominguez has improved the work of the society, measurably, across the State, by reaching underserved and unserved groups.

Antonia Friesz, born in Portugal, the Portuguese Azores, the oldest of 17 children. Friesz came to the country in 1955, and 10 years later took charge of a small concrete company, turned it into the largest subcontractor of concrete floors in the East. S&F Concrete Contractors employs 485 workers, and grosses more than $25 million, and continues to be the principal contractor in many of the places in Boston.

Friesz helped to establish major league soccer in the country, and worked to make Boston a venue for the 1994 World Cup Soccer.

Denash Patel, chief of orthopedic surgery at Massachusetts General Hospital. Patel pioneered the design of instruments to diagnose and correct knee problems, and has been a continuing professor at the Harvard medical schools.

And the list goes on. Doreen Heinz-Wilkerson, honored for her contribution to education, 18 years in the Massachusetts Department of Health, came to the United States from her native Jamaica to get an education, and received three degrees—one a doctorate from Harvard University. She has been a teacher, principal on the faculty of the Harvard Graduate Schools of Education, and has also been praised for her administration of the METCO program which provides suburban education for minority children, inner city, during the most sensitive period in our history.

Betty Kit Fong Yau won praise for her early involvement as a founding member of the Bridge Committee in Quincy for Asian Americans who immigrated from Hong Kong. And the list goes on.

This is just last night in my own city of Boston, and it is a clearer indication as to what is really happening out there than some have characterized.

These voices are impressive signs of the continuing renewal and revitalization that new citizens bring to America. As Barbara Jordan said, "It was immigration that taught us that it does not matter where you come from, or who your parents were. What counts is who you are."

Enduring principles of citizenship remain the same. But it is also important that we periodically examine the requirements of naturalization to ensure that they properly reflect those principles in our modern society. We should ensure that the English and civics exams that are part of the naturalization process adequately measure their knowledge of English, and our history and our Government.

But we should reject the misguided efforts of those who urge us to impose restrictive standards that seek homogeneity over diversity. Such appeals are contrary to our immigrant history and heritage. They are thinly disguised appeals to prejudice and bigotry. They ignore the extraordinary contribution that immigrants from many different lands have made to our country and its ideals.

Our national motto is as appropriate today as it was at the beginning—e pluribus unum—out of many, one. Our citizenship laws honor our diversity, and they always should.

So I commend the Chairman for holding this hearing on these fundamental issues, and I look forward to the testimony of our witnesses.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much, Ted.

There is no question of the value of immigration and the success stories, but those can only continue if we assure that our systems are not abused, and misused. I think we would all concur.

At this point, I would like to enter the prepared statement of Hon. Brian P. Bilbray, a Representative in Congress from the State of California.

[The prepared statement of Representative Bilbray follows:]

PREPARED STATEMENT OF HON. BRIAN P. BILBRAY

Good morning, Chairman Simpson and Members of the Subcommittee. First, I would like to congratulate you, Mr. Chairman, on your years of public service and your achievements in the area of immigration reform. Your contribution to the people of the United States of America has been unparalleled and you will be sorely missed.

Second, I would like to extend my gratitude to you for holding this important hearing which will, in part, address the issue of automatic United States citizenship. As you may know, this issue is of great significance to me, personally, because I grew up along the Mexican border, dealing with the consequences of an open border, which are exacerbated by the strains which automatic citizenship places on the system.

Based on this life-long experience, last year I introduced "The Citizenship Reform Act of 1995," H.R. 1363, which denies automatic citizenship to children of illegal aliens who are born on U. S. soil. My legislation makes this change statutorily by amending the Immigration and Nationality Act. H.R. 1363 has 50 bi-partisan cosponsors, including Representative Jay Kim, who, it is important to note, worked within the system to legally immigrate from Korea.

The current interpretation of the law allows children of illegal alien parents born on U. S. soil to automatically be granted U.S. citizenship. In 1992, over 96,000 babies of illegal aliens were born in California alone. These children then qualify for benefits including Medicaid, AFDC, WIC and SSI. It is my view that this is an insult to legal aliens, such as my mother, who observed our immigration laws and came to the U. S. through the proper channels.

However, the most striking fact about this issue is that there is no basis of law or Supreme Court ruling for the current interpretation. As I will explain further, the Fourteenth Amendment and the debate surrounding it is very clear in its assertion that "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States." In addition, there has been no Supreme Court ruling on a case dealing with the children of illegal aliens.

The Fourteenth Amendment to the Constitution was consistent with British common law and reconfirmed the consensual basis for citizenship. The Amendment was crafted in such a way that if a person was granted federal citizenship, they were automatically a citizen of their State of residence. The intent of the Fourteenth Amendment was to grant citizenship for newly freed slaves, and to supersede the Dred Scott decision which stood in violation of the common law view of citizenship.

However, the 1866 Senate debate on the Amendment centered around the citizenship status of American Indians. During the Senate debate, Senator Howard from Michigan stated "Indians born within the limits of the U.S. and who maintain their tribal relations, are not, in the sense of the amendment, born subject to the jurisdiction." Senator Trumbull, the Chairman of the Judiciary Committee, posed this question, "What do we mean by 'subject to the jurisdiction of the United States?' Not owing allegiance to anyone else. That is what it means." This was reaffirmed by the Senate Judiciary Committee in a report it issued on the status of Indian citizenship. The report found them not to be citizens, because they were not "under the jurisdiction of the United States" at the time the amendment was adopted. The Committee's opinion was that "the Fourteenth Amendment to the Constitution has no effect whatever upon the status of the Indian tribes within the limits of the United States."

Section 5 of the Fourteenth Amendment states that "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." Congress has employed this Constitutional power by enacting legislation which clarified the citizenship status of American Indians. After passage of the Fourteenth Amendment, Congress issued the "Act of July 15, 1870," in which a Winnebago Indian from Minnesota was permitted to apply for citizenship, with the condition that the Indian cease to be a member of the tribe, and his land be subject to taxation. The "Indian Territory Naturalization Act" of May 2, 1890 broadened the earlier act by allowing any member of any Indian tribe or nation residing in Indian Territory to apply for citizenship. From 1854 until 1924, citizenship was a common government incentive to encourage the assimilation of Indians. Congress' authority to naturalize Indians has been sustained by the courts in the cases of *Elk* v. *Wilkins* in 1884 and *United States* v. *Celestine* in 1909.

Indians were perceived to owe allegiance to their tribe, and were therefore, not under the "obedience" of the United States. Indians could only be granted U. S. citizenship by an act of Congress in which they had to renounce their allegiance to their tribe. Today, those that are in the United States illegally are clearly not "subject to the jurisdiction thereof" or rather obeying the federal government, as illus-

trated by the fact that they have chosen to violate our immigration laws. If illegal aliens have babies on U.S. soil they, according to precedent, must demonstrate obedience to our laws. This, as the historical record has demonstrated repeatedly, in cases involving Indians, can be achieved only through acts of Congress. Indians were not considered automatic citizens; by the same logic, therefore, children of illegal aliens should not receive automatic citizenship.

There have been a number of notable court rulings addressing the issue of citizenship. A federal district court in Oregon ruled in the 1871 case of *McKay* v. *Campbell* that the Fourteenth Amendment was merely declaratory of the common-law rule of citizenship. The case involved a plaintiff whose father was a British subject and whose mother was a Chinook Indian. It was ruled by the Court that Indians born in tribal allegiance were not born in the U.S., and subject to the jurisdiction thereof. The Court ruled that "to be a citizen of the U.S. by reason of his birth, a person must not only be born within its territorial limits, but he also must be born subject to its jurisdiction—that is, in its power and obedience". Under the obedience means that they are obeying U.S. laws. If someone enters the U.S. illegally, they are violating U.S. laws. This basic disobedience of U.S. immigration law, negates the illegal alien as being "subject to the jurisdiction of the United States."

The court also ruled that it is the exclusive right of Congress to grant citizenship. The plaintiff was not "born a citizen of the United States, and can only become one by complying with the laws for the naturalization of aliens * * * But that is a matter within the exclusive cognizance of Congress". Under this precedent, Congress may act on the granting or narrowing of U. S. citizenship.

The findings of *McKay* v. *Campbell* were upheld in 1884 by the Supreme Court case of *Elk* v. *Wilkins*. Here the Court held that an Indian living in the city of Omaha, apart from his tribe, was not a citizen under the Fourteenth Amendment. The Court relied on the Fourteenth Amendment's requirement that a citizen be born "subject to the jurisdiction" which it found not to apply to Mr. Elk, because he was born under tribal authority.

The Court ruled, and I quote, "the phrase 'subject to the jurisdiction thereof embraced only those who were subject to the complete jurisdiction of the United States, which could not be properly said of Indians in tribal relations. But it was distinctly announced by the friends of the amendment that they intended to include in the granting of national citizenship to Indians who were within the jurisdiction of the States, and subject to their laws, because such Indians would be completely under the jurisdiction of the United States." In its opinion, the Court quoted Senator Trumbull from the original Senate debate of the Fourteenth Amendment as saying, "It is only those who come completely within our jurisdiction, who are subject to our laws, that we think of making citizens."

Supreme Court Justice Cooley in the *Elk* v. *Wilkins* case, referred to the definition of national citizenship as contained in the Fourteenth Amendment, saying that "By the express terms of the amendment, persons of foreign birth, who have never renounced the allegiance to which they were born, though they may have residence in this country, more or less permanent, for business, instruction, or pleasure, are not citizens." He went on to say that Indians are "'subject to the jurisdiction' of the United States only in a much qualified sense; and it would be obviously inconsistent with the semi-independent character of such a tribe, and with the obedience they are expected to render to their tribal head, that they should be vested with the complete rights—or, on the other hand, subjected to the full responsibilities—of American citizens."

In the case of the *United States* v. *Wong Kim Ark,* the plaintiff, Mr. Ark was born in San Francisco in 1873. His parents were legal immigrants from China and were "domiciled residents of the United States." The Court held that Mr. Ark was a citizen of the United States even though his parents owed allegiance to the Emperor of China.

This case was based upon the fundamental principle of the British common law. Supreme Court Justice Gray, discussed this principle in the Court's opinion, that "the children, born within the realm, of foreign ambassadors, or the children of alien enemies, born during and within their hostile occupation of part of the king's dominions, were not natural-born subjects, because [they were] not born within the allegiance, the obedience, or the power, or, as would be said at this day within the jurisdiction of the king." The Wong Kim Ark case was consistent in this regard with British common-law.

However, the major distinction with this case was that Wong Kim Ark's parents had come to America legally. The Supreme Court has never ruled on the case of a child of someone who had come to America illegally. It has only ruled on the narrow factual case of children of legal immigrants.

The above mentioned is the historical context; in the present, there is the very tangible question of cost to local counties and States that bear the brunt of the burden of caring for the children of illegal aliens. The nearly 96,000 babies who were born to undocumented women covered by the Medi-Cal program in 1992 represented an 85 percent increase over three years. In 1992 alone, the cost to California taxpayers was more than $230 million in medical bills. In my county of San Diego, the county estimates that the total cost for undocumented immigrants from 1992 to 1993 was over $64 million. These are costs that counties and States just simply cannot afford, especially when a large percentage of these costs are incurred outside the parameters of any true basis of law or Supreme Court ruling.

Let me be clear in one essential point. I do not blame young mothers for wanting the best health care possible for themselves and their babies, or to give their children the option of a better life in America. It is by no fault of their own that the United States' failed immigration policies have resulted in their being encouraged to come into this country illegally. However, their plight or predicament does not give them a free pass to circumvent those who are trying to work within the system to come to America legally. By the same token, it is also not the fault nor the responsibility of the American taxpayer, who is paying for these costs through less benefits and higher taxes.

Although a number of my colleagues advocate a constitutional amendment to correct this interpretation of the law, it is my view that this would be superfluous. The fact that the Supreme Court has never ruled on this issue, coupled with the difficulty of passing an amendment to the Constitution, gives strength to my argument of implementing this change statutorily. The Congress has demonstrated its authority to act under Section 5 of the Fourteenth Amendment by granting citizenship to American Indians. The Congress' elected status and our position as co-equal branches of government, gives our actions great weight in the Supreme Court. Therefore, it is under Congress' purview to define more clearly the intention of the framers of the Fourteenth Amendment as to who is and who is not a citizen of the United States. We should exercise this purview by amending the Immigration and Naturalization Act. Should this be found to unconstitutional, then, and only then would a Constitutional amendment be necessary. However, until such time, it is clearly and completely within the authority of the Congress of the United States to further define citizenship laws of our great country.

Again, I would like to thank you, Chairman Simpson and Members of the Subcommittee for allowing me the opportunity to submit this testimony on birthright citizenship and I look forward to taking up this issue in the 105th Congress.

Senator SIMPSON. Now, we have our witnesses. Panel one, John Fonte, a visiting scholar of the American Enterprise Institute; Lawrence Harrison, a professor at the Massachusetts Institute of Technology; and Douglas Klusmeyer, editor of the Stanford Humanities Review.

If you would each take the time, as expressed—and this is not an investigative hearing, this is a learning hearing, so, please. In that order, please.

PANEL CONSISTING OF JOHN FONTE, VISITING SCHOLAR, AMERICAN ENTERPRISE INSTITUTE; LAWRENCE HARRISON, PROFESSOR, MASSACHUSETTS INSTITUTE OF TECHNOLOGY; AND DOUGLAS KLUSMEYER, EDITOR, STANFORD HUMANITIES REVIEW

STATEMENT OF JOHN FONTE

Mr. FONTE. Thank you, Senator Simpson, and Senator Kennedy.

I will touch on three main points, the problem—the crisis of citizenship, what core principles should we enunciate, what should be ideal, and three, how these core principles relate to the policy issues.

Today, we face a crisis of citizenship. Until recently, it was widely believed that individual citizenship was central to American liberal democracy. Traditionally, membership in our democratic re-

public is based on the rights and responsibilities of individual citizens who are equal under the law, and together form a self-governing free people.

Well, during the past few decades, many of us have listened to a different voice. It has affected our principles of citizenship and our naturalization policies.

This voice tells us that what matters most is not an individual citizen, but one's race, ethnicity, gender, or birth language. What matters is the group that one is born into, not the group that one freely chooses. What matters is not the individual American citizen operating through voluntary associations, but distinct races, peoples, ethnic groups with their own values, worldviews, histories, heritages, and languages, that often require different legal rights and different educational programs. Even the national history standards refer to the American "peoples," rather than the American people.

Not surprisingly, these cultural changes have affected the way we deal with immigrants. In the past our goal was clear—Americanization. Today, many oppose this ideal and favor some form of what is called multiculturalism. As a result, we are confusing the newcomers to our shores. It is not their fault; it is our fault. We should return to the core principles of constitutional liberal democracy. Citizenship means full membership in the American democratic republic.

Naturalization should serve the national interest. Our goal should be Americanization, stated clearly, without apology, and without embarrassment. Those of us in the private sector should probably start a national organization that would promote the concept of Americanization as the late Barbara Jordan, and others, on both sides of the immigration debate have suggested.

Americanization does not mean giving up all ethnic traditions, customs, cuisine, and birth languages. It means patriotic assimilation. This occurs when a newcomer essentially adopts American civic values and the American heritage.

For example, American philosophy Sidney Hook, son of Jewish immigrants from the czar's empire in the early 20th century, describes his school days as identification with 18th and 19th century Americans. He adopted Washington and Lincoln as his own. The fact that they were Anglo-Saxon Protestants had nothing to do with it. They were his ancestors, too.

Today, the multiculturalists tell us that Americans of Hispanic, African, and Asian descent could not possibly relate to dead white European males like Washington and Lincoln.

However, Professor Lawrence Fuchs described Japanese American students in Hawaii in the 1930's, speaking about "our Pilgrim forefathers." This is perhaps ironic, but in a larger sense it is true. The Pilgrims and the Founding Fathers are all our ancestors, regardless of when our families came to America or where we came from.

How this relates to the direct policy issues and the question of current naturalization requirements concerning English language ability and the understanding of U.S. history and Government, should they be increased or decreased? Well, they certainly should not be decreased. The current tests are not difficult.

They consist of two sets of 20 multiple choice questions. Where is the Nation's capital? Who was the first President of the United States? How many States are in the union? Then you have two dictated English sentences.

The most commonly asked sentence is: "The American flag is red, white, and blue." This is written out, and could be misspelled. These are not difficult tests. You have to get 60 percent right. If you fail, you can take it again.

It is not in the national interest to water down the current test. Strengthening the requirements actually would make much more—with substantive questions, say, about American values, self-Government, limited Government, would make more sense.

If our principal objective in giving naturalization tests is to prepare newcomers for responsible and active citizenship in our liberal democracy, then we should take these tests seriously.

There is one problem. One of the current provisions I think is the 50/20 rule. If someone has been here 20 years, is over 50 years old, they do not have to take a language test in English.

So if someone comes to the United States at the age of 31, 20 years later they decide to become an American citizen at 51—this is not real old—then they do not have to take this test in English. The test, as we can see, is not that difficult anyway.

What this does, essentially, is it handicaps the new citizen, if we are suggesting to this person that it is not important to learn English. Because if they are unable to freely understand English, they are unable to participate in our civic life. So it is a loss both to the new citizen and to the Nation. So we should change that requirement, I believe.

During the last several years, the INS has, in many cases, I think 20 percent, subcontracted the testing process to outside organizations. This has been problematic. An INS veteran, Mike Miller, is quoted as saying the "surrender of testing to interest groups was the wrong step." People with special interests are gnawing at the rules, not really caring about the integrity of the system.

Many of the outside groups that are administering the tests or working closely with the INS on regulations are the same organizations that reject Americanization, work hard at obliterating all distinctions between citizens and noncitizens, and promote multicultural separatism.

We should be very careful about outside organization involvement in the naturalization process, and perhaps return to the pre-1991 idea where the INS gave the tests.

Now let me give you one example of some of the attitudes of some of the outside groups toward the learning of English.

One of the executive directors of one of the groups is quoted as saying, these people taking the test—been here 20 years—have been here for a million years. Why should they have to take the test in English? Well, the answer is obviously. They should learn English in order so they can be responsible and active citizens.

This is good for new citizens and good for the country.

The comments by the executive director of this outside group suggests that this group is not serious about preparing candidates for citizenship, and in fact the group is essentially cheating the newcomers by downplaying the importance of English.

What about the question of naturalization requires the transfer of full political allegiance to the United States, and thus a renunciation of all foreign allegiances?

The answer to that question, on principle, is yes. This proposition is at the heart of our constitutional liberal democracy. Without this transfer of allegiance, democratic citizenship is devalued, and the meaning of self-Government becomes confused.

If new citizens of the United States retain their old allegiance, with all that entails—political allegiance, voting, military service—the active, responsible civic participation that the long-term health our democratic republic requires is highly unlikely.

Is it possible to be an active engaged citizen in two different systems, in two different polities? Is it consistent with our political traditions? Is it desirable? Common sense suggests we answer these questions in the negative.

So as a principle, dual nationality raises philosophically inconsistent themes for liberal democracy, although there may be some historical and personal circumstances where it makes sense.

As a practice, it has, to date, been relatively limited and therefore, not a major problem for our liberal democratic citizenship. As a general rule, however, we should limit this practice and not expand upon it.

I have some thoughts on the Mexican dual nationality law. This would be a major expansion of dual nationality, and maybe during the question period I could go into that at some length. I do not think it is a good idea because it is a major expansion of the concept of dual nationality.

For those of us who advocate the strengthening of American citizenship, one of the most damaging trends over the past several decades has been the blurring of all distinctions between citizens and legal residents who are not citizens.

Blurring the differences weakens the significance of the rights and responsibilities of citizenship which is the foundation of our liberal democratic polity.

One of the top officials at the INS, under the current administration, several years ago, while he was a university professor, wrote a paper for the Ford Foundation, recommending that noncitizens be allowed to vote in local elections.

Well, citizenship is cheapened and devalued when this occurs.

It is best if the differences between citizens and noncitizens are decided by the Congress, the elected representatives of the people, not by the courts, as has happened too often in the last several decades.

Certainly, there should be differences between citizens and noncitizens. For example, the right to petition for relatives to immigrate to the United States should be reserved for American citizens.

Such changes as occur through these petitions effect our social and immigration policies, and therefore are better made by citizens whose voices should be given greater weight in the formation of public policy in a liberal democracy than by those residents who do not have the rights and responsibilities of citizenship.

At the end of the Constitutional Convention in Philadelphia, in 1789, Benjamin Franklin was asked what kind of Government did you create? And Franklin replied, "A Republic, if you can keep it."

Well, if we continue on our present path, if we continue to blur distinctions between citizens and noncitizens, if we continue to devalue and cheapen our naturalization process, if we continue the cattle herd approach to naturalization, if we abandon the oath of allegiance for new citizens, if we believe that new citizens should not transfer full political allegiance to our country, if we believe that race, ethnicity, and birth language are more important than individual citizenship, if we continue to promote political multiculturalism and reject Americanization, then we will not keep the Republic that Franklin and the other Founding Fathers bequeathed to us more than 200 years ago.

Thank you.

[The prepared statement of Mr. Fonte follows:]

PREPARED STATEMENT OF JOHN FONTE

Thank you Senator Simpson, it is an honor to be here. I have had a long interest in citizenship education and this past year I had the privilege of serving on the Steering Committee of the Congressionally-mandated National Assessment for Education Progress (NAEP), sometimes called the "nation's report card," for Civics and Government.

Today we face a crisis of citizenship. This crisis is the result of a failure of will. It is a failure of our political and cultural leadership in both the public and private sector. Essentially, it is a failure to affirm our core principles and to enact citizenship naturalization policies in accordance with those principles.

I will focus on three main points: (1) the problem, the crisis of citizenship and naturalization; (2) the need to affirm core principles concerning citizenship and naturalization; and (3) the major policy issues that would emanate from these core principles.

(1) The Problem: the crisis of citizenship

Until recently it was widely believed among both elite and popular opinion that individual citizenship was central to American liberal democracy. Traditionally membership in our democratic republic is based on the rights and responsibilities of individual citizens who are equal under the law and together form a self-governing free people. Ideally, these individual citizens establish voluntary groups to accomplish civic aims.

During the past few decades many of us have listened to a different voice and it has affected our principles of citizenship and our naturalization policies. This voice tells us that what matters most is not the individual citizen but one's race, ethnicity, gender, or birth language. What matters is the group that one is born into not the group that one freely joins. What matters is not the individual American citizen operating through voluntary associations, but distinct races, peoples, ethnic groups, cultural blocs with their own values, world views, histories, heritages, and languages that often require different legal rights and education programs. In fact, the national history standards, that were endorsed by most major educational organizations, referred to the American "peoples" instead of the American people.

Not surprisingly, these cultural changes have affected the way we deal with immigrants. In the past our goal was clear—Americanization. Today, many oppose this ideal and favor some form of what is called multiculturalism. As a result, we are confusing the newcomers to our shores. It is not their fault, it is our fault. We are not clear about what it is that we expect.

(2) Principles

What should our principles of citizenship naturalization consist of? What is the ideal? We should return to the core principles of our constitutional liberal democracy. Citizenship means full membership in the American democratic republic. Naturalization should serve the national interest. Our goal should be Americanization stated clearly without apology and without embarrassment. Those of us in the private sector should probably start a national organization that would promote the concept of Americanization as the late Barbara Jordan and others on both sides of immigration issue have suggested.

Let us define Americanization. First of all Americanization does not mean giving up all ethnic traditions, customs, cuisine, and birth languages. Multiethnicity, at some level, has always been part of American life. Americanization means patriotic assimilation. This occurs when a newcomer essentially adopts American civic values and the American heritage as his or her own. This occurs, for example, when they begin to think of American history as "our" history not "their" history. The American philosopher Sidney Hook, son of Jewish immigrants from the Czar's empire in the early 20th century, describes his school days as identification with 18th and 19th century Americans—he adopted Washington and Lincoln as his own—the fact that they were Anglo-Saxon Protestants had nothing to do with it—they were his ancestors too.

Today the mulitculturalists tell us that young Americans of Hispanic, African, and Asian descent could not possibly relate to dead white European males like Washington and Lincoln. I am reminded of the writing of my fellow panelist Professor Fuchs, who described Japanese American students in Hawaii speaking about "our Pilgrim forefathers." This is perhaps ironic, but in a larger sense it is true—the Pilgrims and the Founding Fathers are our ancestors regardless of when our families came to America or where we came from. This is what the concept of patriotic assimilation means. What is sometimes described as assimilation into American life often means absorption of popular culture, the culture of American television, McDonalds, the mall, and the like. This is not patriotic assimilation, interest in American popular culture occurs everywhere in the world and has nothing to do with our civic values and political allegiance to the United States.

(3) Policies

We were presented with a list of issues to be considered as we examined naturalization requirements and the rights and privileges of citizenship. Let me proceed and review these issues.

Current naturalization requirements concerning the required level of English language ability and knowledge and understanding of U.S. history and government should be—under no circumstances—decreased. The current test requirements are not difficult. They consist of two sets of 20 multiple choice questions (Where is the nations's capitol? Who was the first president? How many States in the union?) and two dictated English sentences (One of the most commonly asked sentences is "The American flag is red white, and blue"). Candidates are required to answer only one set of the questions and get 60% of them right and they are supposed to "satisfactorily complete" at least one of the sentences (misspellings such as "Amerucan" are fine, one still passes). If a candidate fails they can take the same basic test again.

There is overwhelming evidence that even the current, relatively easy, naturalization requirements in English language ability and knowledge of American history and government have not been followed. A series of newspaper articles in the Washington Post, Los Angeles Times, Chicago Tribune, Dallas Morning News, and the Washington Times; syndicated columnist Georgie Anne Geyers's new book Americans No More: The Death of Citizenship, the result of four years of research; ABC News investigative reports and several hearings in both the House and the Senate have revealed the dumbing down and devaluation of naturalization requirements. According to INS officials, organizations contracted by the INS to run the naturalization process have ignored English language requirements, given test answers in advance, and promoted cheating.

It is not in the national interest to water down the current test requirements, strengthening the requirements with more substantive questions on core American values such as self-govermment or limited government would make more sense. If our principal objective in giving the naturalization tests is to prepare newcomers for responsible and active citizenship in our liberal democracy then we must take the tests seriously.

In the same vein, the current provision that a candidate who is over fifty years old and has been in the country more than twenty years is excused from the English language examination does not make sense. A twenty year resident of the United States who is, say, 51 years old and wants to become a citizen should learn English both for his or her own sake and the country's. Without adequate knowledge of English this new citizen would be handicapped in the sense of not being able to fully understand and participate in our civic life. This would be a loss, both to the new citizen and to our nation.

For the last several years the INS has, in some cases, subcontracted the testing process to outside organizations. As we have seen from the newspaper and television accounts, the congressional hearings, testimony from INS civil servants, and the investigative research by Georgie Anne Geyer and others, the results have been problematic. Thirty-six year INS employee Richard "Mike" Miller is quoted as saying the

"surrender of testing to interest groups * * * was the wrong step." He states, "people with special interests [are] gnawing at the rules * * * not really caring about the integrity of the system." Miller declares that there was a problem because some of the outside groups administering the tests "not only read the questions, but the answers. Like, "Who is buried in Grant's tomb."

Many of the outside groups that are either administering the tests or working closely with the INS in establishing the rules and regulations of naturalization requirements are the same organizations that reject Americanization, work hard to obliterate all distinctions between citizens and non-citizens, promote multicultural separatism, cultural relativism and in some cases, irredentism. The material provided to us by the Committee staff suggested that in examining whether Congress should naturalization requirements we consider the conditions that "make likely the development of emotional ties to America, political allegiance, assimilation of American political values." If we are serious about these issues, then we should be very careful about outside organizational involvement in the naturalization process.

Let me give you one specific example of a problem. The attitude of some of the outside groups that give the naturalization tests towards the importance of learning English for American citizenship is reflected in the comments of an executive director of one of these groups. The executive director said, "many of these people (resident aliens over fifty years old applying for citizenship) have been here a million years. They're older in age. Why should they have to take the test in English?" Well, the obvious answer is they should learn English in order that they can become responsible and active citizens, this is good for the new citizens and good for the country. The comments by the executive director of this outside group suggests that his group is not serious about preparing candidates for citizenship. In fact, the group is essentially cheating the newcomers by downplaying the importance of English. Knowledge of English is essential to full participation in our society. To tell newcomers to America otherwise is to lie to them.

The Committee asked us to consider the question: Should naturalization require the transfer of full political allegiance to the United States and thus renunciation of all foreign allegiances? The answer to that question on principle is yes. This proposition is at the heart of our constitutional liberal democracy. This is why we ask new citizens to take an oath that swears full allegiance to the U.S. and renounces all previous political allegiances. The United States is a self-governing polity, a constitutional republic. Citizenship naturalization means full membership in our self-governing polity—in our democratic republic. Naturalization, in the best sense, has never meant that new citizens should not retain affection for the "old country" or continue certain traditional habits and customs, but it has always meant that the newcomers political allegiance has been transferred from the birth country to the United States of America. Without this transfer of allegiance democratic citizenship is devalued and the meaning self-government becomes confused. Some have suggested changing or eliminating the patriotic Oath of Allegiance that the new citizens take. We should keep the Oath as it is and take it seriously.

An American citizen has particular rights, such as the right to vote, and particular responsibilities, such as the responsibilities to support and defend the Constitution and laws of United States and to serve in the armed forces and on juries when required by law. If new citizens of the United States retain their old citizenship with all that entails (political allegiance, voting, military service) the active, responsible citizen participation that the long term health our democratic republic requires is highly unlikely. Is it possible to be an active engaged citizen in two different polities? Is it consistent with our political tradition? Is it desirable? Common sense suggests we answer these questions in the negative.

As a principle, dual nationality raises philosophically inconsistent themes for liberal democracy, although there may be historical or personal circumstances where it makes sense. As a practice it has, to date, been relatively limited and therefore not a major problem for our liberal democratic citizenship. As a general rule we should limit and not expand upon this practice.

There is discussion of Mexico enacting a "dual nationality" law under which Mexicans who have been naturalized as American citizens would retain their Mexican nationality and the right to a Mexican passport. From the perspective of American liberal democratic thought such a law would be philosophically inconsistent with our concept of citizenship. As a policy issue, a Mexican dual nationality initiative would not be in the national interest of the United States. This would constitute a major expansion of the dual nationality concept.

Our situation with Mexico is historically unique. We share a long contiguous border with Mexico. Large numbers of Mexican nationals reside in the United States. Mexican government officials have declared openly that they consider American citizens of Mexican descent as "our compatriots in the United States" requiring their

special protection. Mexican consulates in California have interfered in the referendum over proportion 187. Mexican elites (for example, educators) still harbor irredentist attitudes. All of these factors suggest that the United States should not recognize the validity of any dual nationality proposal by the Mexican government. If this comes to pass, the U.S. should insist on our new citizens renouncing Mexican nationality and giving up their Mexican passports.

For those of us who advocate the strengthening of American citizenship, one of the most damaging trends over the past several decades has been the blurring of all distinctions between citizens and legal residents who are not citizens. Blurring the differences weakens the significance of the rights and responsibilities of citizenship which is the foundation of our liberal democracy polity. One of the top officials at the INS under the current administration, several years ago, while he was a university professor, wrote a paper for the Ford Foundation recommending that non-citizens be allowed to vote in local elections. Citizenship is cheapened and devalued when this occurs, as it has in some localities.

It is best if differences between citizens and non-citizens are decided by the Congress—the elected representatives of the people—not the courts as has happened too often during the last several decades. There certainly could be differences between citizens and non-citizens in the non-political as well as the political realm (right to vote, hold office, government employment). For example, the right to petition for relatives to immigrate to the United States should be reserved for American citizens. Such changes as occur through these petitions effect social and immigration policies and therefore are better made by citizens—whose voices should be given greater weight in the formation of public policy in a democracy than by those residents who do not have the rights and responsibilities of citizenship.

At the end of the Constitutional Convention in Philadelphia in 1789, Benjamin Franklin was asked what kind of government did you create? And he replied a Republic if you can keep it. If we continue on our present path. If we continue to blur distinctions between citizens and non-citizen, if we continue to devalue and cheapen our naturalization process, if we continue the cattle herd approach to naturalization, if we abandon the oath of allegiance for new citizens, if we believe that new citizens should not transfer full political allegiance to our country, if we believe that race, ethnicity, and birth language are more important than individual citizenship, if we continue to promote political multiculturalism and reject Americanization—then we will not keep the republic that Franklin and the other Founding Fathers bequeathed to us more than two hundred years ago. Thank you .

Senator SIMPSON. Thank you very much, Mr. Fonte.

And now, Professor Harrison, please.

STATEMENT OF LAWRENCE HARRISON

Mr. HARRISON. Mr. Chairman, I am going to be focusing my comments on the cultural dimensions of citizenship.

I believe that citizenship embraces values that go beyond constitutional principles. Beyond this, as Alexis de Toqueville would have argued, if you do not have values and attitudes that are congenial to constitutions, democracy, freedom, the constitutions and the democracy and the freedom are not going to work.

The successful countries of the world, be they in Western Europe, North America, East Asia, Australia, New Zealand, all share, in varying degrees, a set of values that are engines of progress, and these values, in the case of the United States, are central to our traditions, central to our success as a political, as an economic, and as a social entity.

The progressive societies look to the future. They believe that progress is possible, and that it is within the reach of human beings and human societies. The progressive societies attach a high value to work as the engine of human progress, as the structure of our daily lives.

Education in these societies receives a high value. Education also becomes a vehicle to human progress and social progress.

In these societies, merit is the principal determinant of how humans get ahead in the world. In these societies, the identification of people extends beyond the family, beyond the clan, beyond the ethnic group, to other people in the society.

In these societies, fair play is a palpable, tangible idea that governs the way people conduct themselves in their businesses, in Government, in their personal lives.

I am not saying that any of these are uniform, or that people always behave according to them. But they are sufficiently prominent in the cultures, that combined with the democratic constitutions, they have served to promote the progress which we have experienced in our own country.

My background is in Latin America, principally. I directed USAID missions in five Latin American countries between 1965 and 1981.

The values that I have just mentioned importantly explain Latin America's authoritarian history, its history of slow economic growth, its history of extreme social injustice.

In Latin America, the tradition has been a focus not on the future, not on progress, but on the present, or on the past.

Work has traditionally been seen as a necessary evil, importantly informed by the slavery experience. Education is something which has been made available to the elite. The masses have been denied educational opportunity. Merit plays a relatively unimportant role in how people get ahead. Connections, family, are much more important.

A sense of community extends to the edge of the family. What is beyond the family is often of little importance, and possibly even hostile. The idea of fair play is not well-developed.

These are my views, that are born of three decades of work in these fields, both as a director of Missions of the U.S. Government, and as a scholar at Harvard University and at MIT.

Until recent years, the traditional explanation of Latin America's problems was exploitation by the United States. Dependency. But that has changed dramatically in the last decade, and today, the view of Latin American culture that I have just projected to you is shared by a growing number of prominent Latin Americans.

That includes the writer, Mario Vargos Llosa. The Cuban exile columnist and politician, Carlos Alberto Montanar, who is one of the co-authors of the runaway best-seller book in Latin America these days, entitled, "The Perfect Latin American Idiots Manual."

It is the view of Mariana Grondona, who is the host of the most popular television talk-show, public affairs talk-show in Argentina.

It is the view of Hernando de Soto, the authority of "The Other Path," which has made such a profound impact all around the world.

It is the view of the Jesuit, Luis Huegalday, who is the rector of the Catholic University in Caracas, Venezuela.

I want to stress that values and attitudes are learned, this has got nothing to do with genes, and these and other Latin Americans recognize that, and recognize that the future of Latin America depends on the reinforcement of the positive values which have served us, and other advanced countries so well.

The implications of this for the subject we are addressing today are profound. On October 13, an article appeared in The New York Times with the headline, "For Hispanic Poor There Is No Silver Lining." And the very disconcerting point of the article is that the proportion of Hispanics in the United States below the poverty line has increased to the point where it has passed the proportion of American black citizens below the poverty line.

That proportion, by the way, is declining.

This, as well as the recent report of the Rand Corporation, which analyzes the 1990 Census data, particularly in California, and concludes that the achievement, or the assimilation, or acculturation of unskilled, uneducated immigrants from Latin America is disconcertingly low, further evidence that the melting pot is not working for these immigrants. Suggests that the kinds of problems that lie behind Latin America's history of authoritarianism, of slow economic growth, and of social injustice, are having their repercussions in the enormous immigrant flow from Latin America.

I want to close, then, with three general observations that are relevant to the three issues that we are addressing here.

First of all, the English language is an indispensable element of acculturation. Language is the conduit of culture. If you do not master the language, it is very difficult to absorb the culture.

Second of all, with respect to citizenship, if there is a question of how much time should be involved, more time is better than less time.

And finally, the capacity of the melting pot to absorb, to acculturate, to assimilate, should be one of the principal factors that determines the level of immigration.

Thank you.

Senator SIMPSON. Thank you very much.

Now, Douglas Klusmeyer, please.

STATEMENT OF DOUGLAS KLUSMEYER

Mr. KLUSMEYER. Thank you, Mr. Chairman.

I am going to focus my comments on the issue of dual citizenship.

At the core of the American ideal of citizenship is the principle of consent. American citizens are bound together by a shared allegiance to a common political creed, a creed handed down to us by the framers of our Constitution and our Declaration of Independence.

To share this common allegiance means that we choose to accept the American political creed as binding on all of us. In other words, we consent as American citizens to respect the common political creed upon which this Republic is founded.

For immigrants, who seek to become American citizens, the most significant aspect of the act of naturalization is swearing allegiance to this common political creed. By swearing this oath of allegiance, immigrants are expressing their consent to respect the principles of this political creed.

The allegiance-based character of the American ideal of citizenship helps to explain why many find the concept of dual citizenship so troublesome. How, after all, can citizens respect their sworn commitment to allegiance to more than one State?

But after reviewing the arguments against dual citizenship, I will argue that we should look upon it as less a threat to the solidarity of the American citizenry and more as a necessary and prudent accommodation to the realities of an increasingly mobile world.

Because dual citizenship raises potential conflicts in an individual's loyalties and discharge of duties to different States. Many States around the globe, though with many exceptions, have opposed allowing citizens to hold dual citizenship. Nevertheless, the incidence of dual citizenship has steadily grown in the 20th century, and States have done little, substantively, to discourage this growth.

Opponents of dual citizenship argue that the relationship between the citizen and the sovereign presupposes an exclusive allegiance to one State. A State's conferral of citizenship gives an individual the benefits of rights and protections in exchange for which the citizen owes the State his or her undivided loyalty. Along with rights come correlative duties, the most important of which is the obligation to perform military service.

Dual citizenship provides an individual with a means to evade military service and raises doubts about such a person's loyalties during war-time, especially if the conflict occurs between the States to which a dual citizen owes loyalty.

Dual citizens can also cause diplomatic problems between States, who can both claim the individuals as subjects, and make conflicting demands upon them. But most of these problems can be effectively resolved through international agreements and bilateral treaties.

We can all easily imagine all sorts of hypothetical problems that dual citizenship can pose, but it's far more difficult to find any significant evidence to support such hypotheses.

Where are the empirical studies that document the negative effects of tolerating dual citizen on the loyalties of their bearers?

Where is the evidence that shows that dual citizens have proven less loyal to their American allegiance than citizens with only one allegiance?

The conflicting rights and duties problem that dual citizenship raises can also be addressed to an active/passive concept of citizenship. Active rights, such as voting, and active duties, such as military service and taxation, could be linked to residence requirements or some kind of close connection test.

The most important passive right of citizenship would be the right of return, but might also include special protections governing property and inheritance interests.

Technical arguments against dual citizenship are, more often than not, read herrings. The modern trend into law and in State practice has been to acknowledge that in today's mobile word, the phenomenon of dual citizenship is simply going to increase, and an increasing number of States have been willing to recognize dual citizenship.

Objections to dual citizenship are usually rooted in deeper sources that technical arguments can obscure. One of these sources is the equation of Nation and State. The presence of large numbers

of dual citizens seems to violate this equation and raise fears that they will serve as a dangerous "fifth column."

Such fears can be legitimate as the example of Hitler's manipulation of the German minority in Czechoslovakia amply demonstrates, but this example also suggests that the legal status of this minority as a citizenship made no difference.

Hitler could have achieved the same results, irrespective of their status. Dual citizenship can provide pretexts for States to interfere in the domestic affairs of other States. But alternative pretexts are always available.

Likewise, having sole citizenship within the State of residence does not always protect minorities, especially foreign-born minorities, from suspicion of being foreign subversives and traitors.

The imprisonment of the Japanese after the attack on Pearl Harbor, and the Red Scare in the United States that followed the First World War demonstrate that a legal status alone will not erase perceptions of foreignness and difference.

In considering the approaches of other States to the question of dual citizenship—and here I am thinking of Mexico and the United States—we must take into account how perceived national interests are affected when the citizens of one country are migrating in large numbers to another.

We should of course define our citizenship policies in accordance with our national interest, but part of that national interest is reaching accords with our neighbors. From the American perspective, as a society populated overwhelmingly by immigrant and their descendants, the idea of dual citizenship seems particularly threatening because we can all trace our national origins to so many different nations, and because immigrants are such a visible presence in our Nation.

From the Mexican perspective, a recognition of dual citizenship offers a small measure of legal protection to their nations who left their homeland in search of jobs and other opportunities that they could not otherwise find. Like almost every other country that has experienced a massive out-migration, the Mexican Government has considered recognizing some form of dual citizenship for those of its citizens that acquire citizenship in a new land. But whether the Mexican Government will actually enact the necessary legislation to implement this goal must be left to the realm of speculation.

I began this morning by emphasizing the consensual or volitional basis of the American ideal of citizenship. I want to end here by emphasizing another fundamental component of this ideal.

For immigrants seeking American citizenship, the act of naturalization is not the end result or culminating point of a longer process which they complete their assimilation into the American way of life, but rather, the most important step they make in their transition into becoming an American, an expression of their commitment to join this way of life.

The acquisition of American citizenship is an act that facilitates an immigrant's growing investment in the American way of life, and his or her participation in that way of life.

The acquisition of American citizenship then is not the final stamp certifying the American-ness of the immigrant, but rather, is a key step toward becoming an American.

It is difficult for me to see how the U.S. Government can stop immigrants from retaining dual citizenship if their homeland States provide for it, so perhaps we should look at the retention of dual citizenship as part of the process which helps some immigrants make the transition into the American way of life.

By not demanding that immigrants renounce their legal ties to their original homelands and suffer the perceived losses that may entail, we may encourage them to seek American citizenship earlier and to deepen their commitments to the American way of life.

Thank you.

Senator SIMPSON. Thank you very much.

Let me skip around a bit. Dr. Fonte, in your written testimony you refer to national history standards, which you say were endorsed by "most educational organizations." You noted that these standards do not use the traditional term, "the American people," but rather, the term, "American peoples."

Now, I think that's one remarkable example of being thoroughly politically correct. That is the best one I have heard recently.

But putting the PC issue aside, what do you think such usage shows about the attitude of some in the educational hierarchy toward the relative importance of national identity and unity versus so-called diversity, and multiculturalism, and the ethnic or other group-oriented identity?

In our last hearing, I quoted the words of one Woodrow Wilson and Theodore Roosevelt, which were very powerful in this area.

Mr. FONTE. Well, I think this is indicative of the cultural argument we are having today, that there are large elements in the academy, that is, the academic world, and in education, that believe we are the American peoples, not the American people. That diversity is sometimes defined as meaning we are totally separate groups and people with separate worldviews, and separate identities. It is an emphasis on the pluribus rather than the unum. So this is exactly the problem that we face when we are trying to assimilate, and I would use the term Americanize. Americanization as I mean it, meaning patriotic assimilation, and Barbara Jordan used it. I think it is a good term. I do not think we should shy away from that term.

Meaning that people, in their heart and soul, become Americans, as the Japanese kids did at McKinley High School in Honolulu, when they talk about our Pilgrim forefathers, and they proved that in 1942 and 1943, when they went off to war. My relatives proved that in 1943. My father came to the United States from Sicily, and in 1943 there were many Americans of Sicilian descent who were invading Sicily. What if they were dual citizens of the United States and Italy at that time? How would that have worked?

I totally disagree with the last speaker, who seems to want to expand the concept of dual citizenship.

Let me point out the particular points, too, about the situation with—if Mexico suggests this. Mexico is a country we have a large contiguous border with. They have openly criticized what they call U.S. human rights violations.

Mexican consulates have interfered in Proposition 187 in American elections, and large elements of the Mexican elite are essen-

tially irredentist, meaning that they still harbor resentment about border changes.

What should we do? I think was one of the questions the committee asked. Well, we should reject, we should call on people that become Americans to reject, renounce their previous citizenship, and that means if that is, means the case with Mexico, then they would renounce their previous citizenship.

Senator SIMPSON. I am just intrigued. You mentioned the Japanese Americans. I am sure that the ones that ended up 13 miles from my house, in Cody, WY, at Hart Mountain Relocation Center, must have worried about their Pilgrim fathers, somewhat. Because there they were—13- to 15,000 of them, American citizens.

We did not do that to the Germans. We did not do that to the Italians. Another interesting tidbit of American history.

Dr. Harrison, your research concerns the relationship between a nation's values and other cultural attributes, and, on the other hand, economic and political success.

Does this mean that if naturalized citizens do not adopt core American values—democracy, freedom under law, the golden rule, self-reliance, individual achievement, limited Government, individual rights, and so on—but rather, retain the philosophy or the values, or the ideals of their homeland, ones that are inconsistent with American core values, then there is a risk that sometime in the future the United States will face the same problems that caused these individuals to leave their homeland, to seek a better life in this country, because their actions, including their choices as voters, will reflect those same philosophies and values.

Mr. HARRISON. Yes, I agree with that, Mr. Chairman.

We have a pattern of social evolution in Latin America that you can describe as pathological. If I am right and if the Latin America intellectual and political leaders that I mentioned are also right, then unless the values and attitudes that lie behind that kind of behavior change, then when people who are imbued with those values and attitudes move to another society, they are going to behave in the political, economic, and social dimensions of their lives, similarly, and in ways that are highly inconsistent with our traditions.

An example of this which is a cause for real concern is the question of education. I mentioned that in Latin America it has traditionally—it is changing now—but it has traditionally, for centuries, been viewed as a perquisite of the elite.

The result is that education has never received emphasis as it has in the more progressive societies.

In the United States today, by far the largest high school dropout ethnic group is the Hispanic group, and what is particularly disconcerting is that whereas the first generation typically comes in with very little education, and the second generation acquires a great deal more, in the third generation there is a decline, and all of these trends feeding into this phenomenon of high school dropout rates in the vicinity of 30 percent. That is a cause for real concern.

Senator SIMPSON. As you discuss things like that, do you find that rather than arguing or debating with you, that some persons just refer to that as racist?

Mr. HARRISON. I have been called a racist, Senator; yes. And worse.

Senator SIMPSON. Yes. So have I. I have been called everything. I think. If they have missed any terms—and I mean any terms—why, I would be glad if you would put them in the suggestion box at the——

Senator KENNEDY. Liberal Democrat? [Laughter.]

Senator SIMPSON. It may be in the box.

Senator KENNEDY. You will not get that one.

Senator SIMPSON. No, I think not.

Mr. HARRISON. I might add, if I may, that I have been called a Democrat sometimes, and indeed, I am.

Senator SIMPSON. Yes. Well, I think if we called Senator Kennedy a conservative Republican, it would be the same. [Laughter.]

One question now for Douglas Klusmeyer.

You questioned whether dual citizenship poses any risk to a nation which permits it. We will discuss that in the second panel. You say there is no empirical evidence that it is a problem. We hear the great tales of espionage involving those with dual citizenship. Those are perhaps myths, perhaps not. I do not personally know whether conclusive evidence on that question is available or could be obtained, one way or the other.

But certainly, that type of thing is not the only way that conflicting loyalties could be discerned and could be a problem in this country.

Is it not reasonable to be concerned that if a voter is making a decision between two candidates or if a Government official would be deciding between two courses of action, that a person with dual citizenship, who has formal political allegiance to another country, as well as to the United States, might well take that country's interest too much into account, possibly then making decisions favorable to it, even when they might be harmful or inimical to the best interests—the national interest—of the United States?

It seems just common sense to me to believe that the risk of that would be greater than if there was no such formal political allegiance, with all of the legal obligations that it gives rise to.

Mr. KLUSMEYER. Well, I think conflicting loyalties is a problem, but it is just not clear to me that it tracks terribly closely with dual citizenship. People who are dual citizens have many different motives for doing so. It may be to protect inheritance rights. It may be because they feel they have family in their original homelands.

It may be that they do have a strong cultural of national identification. If they do have a strong national identification and they do want to work for that national interest in the United States, it is not clear to me that if they do not have dual citizenship, they will not do it anyways.

I also want to suggest that you sort of changed the terminology I used. You said that there was no conclusive evidence. Well, I didn't say that. I said there is no evidence. There may be some anecdotal evidence. But if you look at the recent spy scandals in this country, it has not been by dual citizens. It has been done by native-born Americans.

I simply am aware of no empirical study that has demonstrated, in any country, that this is a significant problem.

I would also suggest to you, that given the fact that States have been aware of the phenomenon of dual citizenship, and have been

aware that it is a growing phenomenon throughout the 20th century, that if it was such a problem they would get together and do something about it.

In fact you cannot find any States that have done substantive work to try to stop it, and, in fact, I do not think they can.

Senator SIMPSON. I do not think I used the word conclusive. I used your term, empirical evidence.

Mr. KLUSMEYER. I am sorry if I misunderstood you.

Senator SIMPSON. I believe that is true; but anyway, my time has expired.

Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman.

Just for all of the panelists, we afford different rights and responsibilities to citizens than we do to noncitizens. But there is no particular rationality in the way we decide what the rights and responsibilities of each will be.

You know, some distinctions are based on political rights and responsibilities. Citizens can vote in Federal elections. Noncitizens cannot. Citizens serve on juries. Both citizens and noncitizens can serve in the military and be drafted.

Both citizens and noncitizens must pay taxes. Some distinctions are related to national security concerns about undue foreign influence.

Citizens can hold Government jobs and get security clearances to work for defense contractors. But listen to this. Citizens can own TV and radio stations. Noncitizens cannot. At the same time, noncitizens can own networks.

Sony owns ABC. So the distinctions go on on constitutional and legal rights.

My question is should there be distinctions, only with regard to political rights and responsibilities such as voting and jury duty, or are other distinctions, you know, such as welfare eligibility appropriate, too?

What should be the standard, so we do not have ad hoc, or are you satisfied that the places where we have had ad hoc has not been a problem? If you are looking down the road and seeing where we are sort of moving and going, where do you come out? Do you have some guidelines for us in terms of considering this, that could be consistent all the way through? Or is it necessary that we do it? Mr. Fonte?

Mr. FONTE. I think the main guidelines is that a citizen is a full member of the American democratic Republic, while a resident alien eventually becomes a full member but is not yet a full member. So in matters that affect the status of liberal democracy and in matters that affect our national interest, the guide should be the concept of membership.

That at the heart of liberal democracy, the citizen is a member. I would disagree with one of the other panelists who seems to believe that you can be a member of several different polities. I think that is a problem.

But I think this is an issue for the Congress, and I think particularly for the Congress, not for the courts.

Senator KENNEDY. Well, I am accepting that.

Mr. FONTE. Yes.

Senator KENNEDY. But I am trying to get at as to whether there are guidelines, so we are not doing it ad hoc. Do you have principles which you think would be useful for Congress in being able to evaluate these various considerations?

I mean, the idea we are going to have, where if you are not a citizen you cannot own a television station, but if you are not you can own a network.

Mr. FONTE. Well, I think it will——

Senator KENNEDY. So I mean to avoid—or is it necessary to avoid? I am trying to find out if there are guiding principles that we ought to be thinking about as we begin this debate and discussion.

Mr. FONTE. I think affecting political and social policy, Senator, in a—how if affects political and social policies, like the question of—the question was asked about petitioning for relatives. Well, that would affect immigration policy, so that should be a question for citizens. So that is the kind of guidelines that I would suggest.

Senator KENNEDY. Mr. Harrison.

Mr. HARRISON. Senator, I have not thought through this issue with sufficient care to really feel comfortable in saying anything on it.

Senator KENNEDY. You know, I am looking for broad strokes that might be guidelines to us, and maybe you could give—we would welcome, we are going to be dealing with some of these things in another Congress. But if there are some broad strokes about how we ought to measure—or maybe we do not need to. But what happens so often around here is that we just respond to the immediate kinds of elements that are portrayed, and deal with it, and then the policy ends up in a hodge-podge, and people wonder why it works in the strange ways that it does.

Mr. Klusmeyer, do you have anything to add?

Mr. KLUSMEYER. If I may just say one thing. One of the reasons that I have not thought my way through it is because I am not sure that there has been anything like a debate on what the distinction is that we want, as a society, to have between legal immigrants and naturalized citizens.

Is it a way station to naturalization? Is it a permanent condition that we tolerate? I simply have not thought through those issues myself.

Senator KENNEDY. That is a very interesting one, because the German experience is quite a bit different. It takes a longer period of time, maybe even through generations, before it develops into citizenship. We move in a different way on this part.

Let me ask the panelists this. When it comes to naturalization, the Constitution simply requires Congress to establish uniform rules of naturalization. Prior to that time, each State set its own naturalization rules. Very interesting. I should have known it, but I did not.

In the early years of history, Congress passed a number of naturalization laws, with the first Congress, in 1790, and again, in 1795, 1798, and 1802. These early laws established the basic requirements that remain in naturalization laws today. A 5-year residency, which is basically Jefferson. The good moral character. And attachment to the principles of the Constitution.

Then in 1906, we added the English language requirement. But we did not add it until 1906.

So these requirements have been adjusted over the years, but they have been constant in naturalization throughout the history. The interesting point, one of the interesting examples of adjustment: the English language, for example, was changed in 1950. Before that time, only spoken English was required.

The Internal Security Act of 1950 said new citizens must demonstrate not only spoken English, but reading and writing in English as well, and the subcommittee issued a report at the time, said one reason for the change was that testimony conclusively shows an anti-American and subversive activities are more easily carried on among non-English speaking groups of aliens than among those who are thoroughly conversant with our language.

We accept the English requirement as important today, but for different reasons than subcommittee articulated 46 years ago.

Let me add, in broad strokes, quickly, with the panel. Do you see any reasons to change the basic naturalization requirement that have been a part of the law since the beginning of the Nation, or are those tenets still pretty good?

Mr. KLUSMEYER. May I address your German example because I think it is quite instructive. Germany, for many, many years, had a highly restrictive naturalization policy. It was very difficult to become a German citizen if you were not native born, or you were not a German by culture.

At the same time, they were importing guest workers, beginning in the 1950's. But the result of the requirements for citizenship were basically you had to eat, breathe, and sleep German before it was seen as an end product, as the final result of assimilation, as opposed to the American tradition which sees it as a starting point.

As a result, even now, even when citizenship, or naturalization rights have been guaranteed to Turkish and other immigrants, most of them are not interested in it because they do not feel like—that in acquiring citizenship they will ever be recognized as truly German.

So one of the reasons I favor a much less restrictive naturalization policy is because I think in the long run, it helps to integrate groups, and the alternative to that, it seems to me, is what the Germans now have, which is a permanent sub class of aliens that will continue for generations, and has been perpetuated for generations.

Senator KENNEDY. I think we have got a sub class as well in terms of that issue. We tried to deal with it with the amnesty programs a number of years ago, and we tried to sort of have a clean slate, and we are still developing it again with a lot of other kinds of problems.

But that is an issue for another time. I think the very interesting point that you have made, which is that the German experience is sort of the end of the process, and the American sort of a continuing, the beginning of the pathway, is a very different concept about how we are going to do it.

And I think we are looking—are we getting into a situation where it ought to be in the United States an end product?

Are we committed to trying to do what the early naturalization concepts, the Founding Fathers—you know, keep it in the—conceptually, as a part of the path, once you know that there is a fundamental commitment toward Americanization, as has been described earlier?

Let me just quickly go to two areas, but let me go to this dual citizenship issue.

We have, and we have talked a little bit about the—of course you have got a number of countries—as I understand it, there are 36 countries that either do not let you give up your citizenship or make it almost impossible to do so. You can make all the pledges, commitments, swear on the bibles, and all that you want, and you still cannot renounce it, at least under the other countries. I do not know how you deal with that. Maybe there is some way of dealing with it.

But there are a number of countries, for example, where we have the dual citizenship. For example, many Israeli Americans maintain that. Chinese Americans. Very few, as I understand, Irish Americans. Many of the Israelis who retained Israeli citizenship served in the armies at the time of a particular conflict, and have gone back over there.

So I am just wondering: Are we going to consider some of those, you know, less American than other U.S. citizens? I mean, how are we going to—what is your own—I guess, Mr. Klusmeyer, you have responded on that. I do not know whether you want to say anything, quickly, because my time is up.

Mr. KLUSMEYER. I do not think I have anything to add.

[Letter containing a list of countries that do not permit dual citizenship follows:]

THE LIBRARY OF CONGRESS,
Washington, DC, October 22, 1996.

To: Honorable Edward M. Kennedy, United States Senate
From: Constance A. Johnson, Legal Research Analyst
Subject: Countries That Do Not Permit Dual Citizenship

In response to your recent request, attached is a list of countries, other than the United States, that generally do not permit dual citizenship. Information on exceptions, where available, is given in endnotes. The source for the list is a loose-leaf work entitled Citizenship Laws of the World: A Directory, compiled by the Office of Personnel Management's Office of Federal Investigations in 1994. It should be noted that information was not available on the following nations: Albania, Armenia, Chad, Comoros, Ethiopia, Georgia, Peru, Surinam, Tajikistan, and Turkmenistan. Otherwise, the countries not listed are those that do permit dual citizenship.

It is hoped this information will be of use to you.

Attachment

COUNTRIES THAT DO NOT RECOGNIZE DUAL CITIZENSHIP

Afghanistan** ***, Algeria, Andorra, Angola, Argentina* *****, Australia*** (plus naturalized citizens may retain birth country citizenship), Austria* **, Azerbaijan**, Bahamas*, Bahrain, Bangladesh**, Belarus*****, Belgium*, Belize*, Bhutan, Bolivia** *****, Botswana*, Brazil*, Brunei Darussalam*, Burkina Faso, Burma, Burundi, Cambodia***, Cameroon*, Chile* ** *****, China (People's Republic), Congo, Costa Rica*** *****, Croatia, Cuba, Czech Republic** ***, Denmark* ***, Djibouti, Dominican Republic*, Ecuador*****, Egypt, Equatorial Guinea, Eritrea**, Estonia, Fiji*, Finland* ***, Gabon, Gambia***, Germany**, Ghana*, Greece, Guatemala*****, Guinea, Guinea-Bissau*, Guyana***, Haiti*, Iceland (exception for child of one citizen and one citizen of another country), India, Indonesia, Iran* ***, Iraq, Japan*, Kazakhstan*****, Kenya*, Kiribati, Korea, North (except citizens who

go abroad sometimes still considered citizens by government), Korea, South, Kuwait, Kyrgyz Republic*****, Laos, Latvia (except those forced to leave after June 17, 1947 and their descendants), Lesotho*, Liberia*, Libya, Lithuania (except those forced to leave from June 15, 1940 to Mar. 11, 1990), Luxembourg*, Madagascar* ***, Malawi*, Malaysia*, Mali****, Malta* **, Marshall, Islands*, Mauritania** ***, Mexico*, Micronesia, Moldova**, Monaco, Mongolia, Mozambique*, Namibia*, Nauru***, Nepal, Netherlands* ***, Nicaragua*****, Niger, Norway* **, Oman, Pakistan*, Palau, Panama*, Papua New Guinea*, Philippines* ***, Poland, Qatar, Rwanda*, Sao Tome and Principe, Saudi Arabia***, Seychelles** ***, Sierra Leone, Singapore*, Slovenia****, Solomon Islands, Spain*****, Sri Lanka**, Sudan, Swaziland, Sweden* **, Taiwan, Tanzania* ***, Thailand*, Tonga, Uganda*, Ukraine*****, United Arab Emirates, Uzbekistan, Vanuatu*, Venezuela*, Vietnam, Western Samoa*, Yemen, Zaire*, Zimbabwe

* * * * * * *

* Child of citizens born abroad who obtains the citizenship of the country of birth may retain dual citizenship until becoming an adult. At that time, usually must choose one.

** In special circumstances, dual citizenship may be arranged.

*** Dual citizenship acquired through marriage may be retained.

**** Law under review and may be changed.

***** Under reciprocal agreements, dual citizenship in certain countries may be retained. For many Latin American countries the agreements are with each other and with Spain. For former Soviet Union countries, agreements may be with each other.

Compiled by Constance A. Johnson, Legal Research Analyst, Legal Research Directorate, Law Library of Congress, October 1996. Source: *Citizenship Laws of the World: A Directory,* Office of Personnel Management, 1994.

INTERNATIONAL CITIZENSHIP LAWS

VOLUNTARY LOSS OF CITIZENSHIP NOT PERMITTED

Zambia—loss not permitted only if individual will be left stateless
Syria—renunciation is technically permitted, but process is so complicated that for all practical purposes it is impossible to lose citizenship

VOLUNTARY LOSS NOT PERMITTED TO CERTAIN CATEGORIES OF INDIVIDUALS

Cyprus, Estonia, Afghanistan

LOSS REQUIRES PRESIDENTIAL DECREE, APPLICATION TO A MINISTRY OR GOVERNMENT BODY

Botswana, Burundi, Congo, Senegal, Togo, Zaire, Cuba, Haiti, Jamaica, Laos, North Korea, Greece, Egypt, Iran, Jordan, Maldives, Tunisia (these decrees are reported to be routine)

RENUNCIATION MUST BE MADE IN COUNTRY OF ORIGIN

Sengal, Sierra Leone, Zaire, Argentina (renunciation must also be accepted by Argentine government), Dominican Republic, Haiti, Vanuatu, Vietnam, Luxembourg

LONG DELAYS ANTICIPATED IN PROCESS

Brazil—6 months to 1 year and proof of naturalization in another country

RENUNCIATION CONTINGENT UPON FULFILLMENT OF COMPLEX REQUIREMENTS

China, Vietnam, Andorra, Czech Republic, Slovenia, Iran, Irag (renunciation of citizenship does not absolve person of duties and obligations to Iraq), Austria, Croatia

Senator KENNEDY. All right.

Mr. FONTE. I would say a word on that. There may be some instances where it is in the national interest for people to have even dual citizenship.

I think some American citizens served in Eastern European—I remember one minister was the Minister of Defense or something in Estonia, in the new regime. So there may be particular circumstances, there may be family circumstances.

But as a general rule, I think it is something we should limit. I think that is the question. You asked broad strokes, what should be our general conceptual overview?

As a broad conceptual issue, I think dual citizenship is something we do not want to expand, we want to keep limited. And what can we do about other countries? People can give up their passports. So we can reject the dual nationality proposal of Mexico, and perhaps say people should not have to have a Mexican passport, and we consider the renunciation legitimate for us. So that should hold fast.

Senator KENNEDY. Just finally, Professor Harrison, one of the points I have trouble in accepting in the presentation is in your assessment in terms of the political realities in Central and South America, and the dictatorships. Of course over the period of recent years, there has been a significant movement toward democracy.

You know, if you accept that as a concept, that people have grown up in those kinds of cultures, have really been willing, that is their orientation, and therefore, that can lead to situations, as they say, well, we may not be prepared to accept those that come from those traditions, so that we will not accept people from those particular areas, or countries.

I must say, I am rather startled about it, particularly when you see what has happened in the world in the last 30 or 40 years. I mean, the Communists take over Eastern Europe, and the indoctrination of the Communists in that part of the world, many of them without the benefits of even the rudimentary concepts of Western political thought, and the extraordinary rise of interest in the development of the Western political thought.

Most of our constitutional authorities, up in our part of the world, are spending all their time in Eastern Europe drafting constitutions over there, and an awful lot of them replicate the United States and still have not been effective. I grant you that.

But I think for the most part so many of those that come here come to escape those conditions and come here because they believe in a different sort of concept.

Hopefully, they will do it legally. That is what we are interested in. But I have difficulty in thinking that just because, necessarily, people have grown into the period of exploitation, or particular forms of Government, that that necessarily would reflect itself on whether they could be committed to the fundamental concepts and principles of the Constitution.

Mr. HARRISON. I would certainly not say that there should be no immigration from such areas. In the areas themselves, as you have just pointed out, there is change. It is very late. We are at the end of the 20th century.

But even in this respect, the political respect, Senator, there is evidence in the United States that Hispanics tend to register—this is Hispanic citizens—tend to register less and tend to vote less.

I believe that that is, as is the case with the high school dropout, and the other disconcerting evidence of lack of acculturation, something to ponder when the flow is so large. The principal country of origin of immigrants into our society is Mexico.

This is why my third general observation was that we should be very mindful of the acculturation issue as we consider the levels of immigration.

Senator KENNEDY. Well, so do young people who have the poorest record of voting in the United States, of any group. It is the younger people, that have all gone through our schools, and gone through our colleges, and have allegedly been indoctrinated with governmental concepts and principles. Their voting is low.

Mr. HARRISON. That is another kind of problem, and I agree with you that it exists, and it is troublesome.

Senator KENNEDY. Thank you.

Senator SIMPSON. You sound like a chairman there. Getting right with it, are you not? No, no. No, no, Ted. It is not going to happen.

Senator KENNEDY. We are going to have to wait a while, are we?

Senator SIMPSON. That is right.

Senator KENNEDY. We have got to wait a while? [Laughter.]

Senator SIMPSON. But let me just ask a few questions and then we will wind up this panel. I think this is just exactly what we are seeking. These are tough issues.

Dr. Klusmeyer, would Germany recognize a renunciation of foreign allegiance if that renunciation is not recognized by the foreign country?

Mr. KLUSMEYER. Germany does not recognize dual citizenship. I do not know, in terms of the specifics, but one of the reasons—a big reason that Turks, even those that have been born and raised, and educated in German schools, do not acquire German citizenship, is because they are not allowed to retain their citizenship in Turkey, and lose inheritance rights, et cetera.

Senator SIMPSON. Well, we went through all that with the guest worker debate, and the education of this country as to guest workers.

But should dual citizens be required to make a choice? Just say, "Here you are, you make a choice."

Mr. KLUSMEYER. How are you going to enforce that, sir?

Senator SIMPSON. I do not know. I am just asking the question, should they be required to make a choice?

Mr. KLUSMEYER. I think that if you require them to make a choice, you are simply going to perpetuate a fiction, because, you know, you require them to give up their passports. If their countries of origin are willing to issue new passports, there is no way you can stop it.

This is why I sort of see it as a non-issue. If you cannot stop it, what are we talking about?

Senator SIMPSON. Well, it will not be a non-issue if the Government of Mexico decides, in their law, what they are talking about. Then we will see what happens. Then it will not be a non-issue at all. Throughout my 18 years here, I have always heard from the Mexican parliamentarians—you mind your own business and we will mind ours. That has been a very interesting part of this.

But that is not always the case. When we have dealt with some very, very difficult situations, we have even had the Mexican Senate passing resolutions, which if we had done that in this country, they would have been assuredly offended.

Mr. FONTE. If I could say something. it is not a non-issue because it undermines American liberal democratic values, and most of the new citizens who take the oath of allegiance, and in that oath they renounce previous citizenship, they are thrilled when it is over.

If you talk to new citizens—and all of us have seen these ceremonies, they are wonderful—and at the end of the ceremony, they do renounce previous allegiances and they swear full allegiance to the United States, and these people could not be more thrilled.

So those are the kinds of ceremonies that we need.

Senator SIMPSON. Let me just conclude, because I think this one is of some interest to us. Some scholars say that changes in transportation and communication technologies have made it more likely that immigrants, obviously, retain emotional ties and allegiance to their original country and cultures.

Do any of you, in just like 1 minute, have thoughts on that issue, and what its implications are for U.S. policy on naturalization, Americanization, or immigration?

Obviously, it is a whole new game compared to 30 years ago, with all the electronic and communication and transportation technologies. What is your thought? Just 1 minute, because I have taken too long, and then we will go to the second panel, unless Ted has a question.

Mr. KLUSMEYER. Well, I think it is one of the causes behind the proliferation of dual citizenship, and I think that this proliferation is going to continue.

And again, I return to my original point. You can think of all sorts of scary hypotheticals about what could happen, but this phenomenon has been growing throughout the 20th century, and there is simply no empirical evidence that I know of, that anyone else here has cited, to suggest that it is a problem.

Now if empirical evidence is gathered, and it appears to be a problem, then you should revisit it. But at this point it is purely hypothetical.

Mr. FONTE. By that time it will probably be too late.

Senator SIMPSON. You have used up 5 seconds. You have 1 minute to respond to that.

Mr. FONTE. That is true, that the proliferation of the closer communications have led to this. It has also led to, some people think assimilation is going to McDonald's, watching American cultural, mass cultural television.

This is essentially a worldwide phenomenon. It is a Westernized, it means modernization, Westernization. It is not patriot assimilation. It is not, I think, what we should be aiming at.

Senator SIMPSON. And finally Professor Harrison.

Mr. HARRISON. This touches on the question of the global village versus the Nation-State, and I think that both things are a reality, but that for a long time to come it is going to be the Nation-State which is going to be the most decisive actor in the lives of individuals, in the lives of groups, lives of a society. And that at some considerable peril, we focus on the global village, if there are significant costs to our cohesiveness as a national society.

Senator SIMPSON. Ted, do you have any further questions?

Senator KENNEDY. Just that I think that so many of us, starting from the point about, you know, general concern about where the

country is going, and we want people to be involved, and be participating in both exercising responsibilities of citizenship on this, and we are concerned about it.

I do not know whether we are going to get ourselves—we may very well be in just a red hot, drag-out emotional kind of issue. Maybe in the next Congress, with enormous sort of—I see sort of political implications, and something that makes a lot of—as the Professor points out—very much a difference in terms of the reality. I mean, I have not really gotten into it, or dwelled on it, but I mean, there are obviously tugs and emotions on all sides on this.

But it is certainly something that I am sure we are going to be addressing and be voting on, and it is good we have at least triggered some important thinking about it here today.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you, Senator Kennedy. Thank you very much, all of you. This has been a very helpful discussion.

Panel two, then, the final panel of the day.

Georgia Anne Geyer, the syndicated columnist, author of a current book, "Americans No More: The Death of Citizenship."

Also Mr. Dan Stein, executive director of the Federation for American Immigration Reform, and Raul Yzaguirre, president of the National Council of La Raza.

Good to have you all here. I am sure none of you know what the other one is going to say, but maybe. [Laughter.]

Anyway, let me say before you begin, I could have said it at the conclusion, that all three of you have been very active in the debate, in the national debate, in the national interest. I know your views differ and certainly differ with mine sometimes and with Senator Kennedy. You have all added a very high degree of civility and bringing good faith to the process. I think that is true from my experience with all of you.

So in that order, Georgie Anne Geyer, good to have you here.

PANEL CONSISTING OF GEORGIE ANNE GEYER, SYNDICATED COLUMNIST AND AUTHOR OF AMERICANS NO MORE: THE DEATH OF CITIZENSHIP; DAN STEIN, EXECUTIVE DIRECTOR, FEDERATION FOR AMERICAN IMMIGRATION REFORM; AND RAUL YZAGUIRRE, PRESIDENT, NATIONAL COUNCIL OF LA RAZA

STATEMENT OF GEORGIE ANNE GEYER

Ms. GEYER. Ladies and gentlemen, Members of Congress, fellow American citizens. For more than 30 years, I have been a foreign correspondent and syndicated columnist covering virtually every area of the world. I have also, at the same time, always felt myself to be a representative of America abroad. These were years of conflict and turbulence in the world, the years of the cold war, and I often found myself covering countries in the process of breakdown and disintegration—Lebanon, Afghanistan, parts of Central Asia and the Caucasus, finally, the worst of all, Bosnia.

During those years, all of us had one great assurance about our own beloved country, that it cannot happen here. We, after all, were blessed geographically by being protected by the arms of two great oceans. We had great, open frontiers to absorb our misfits.

Most of all, we had the principles of the modern world, the principles of self-government, of respect for the results of the vote, of the jury system, and, above all, the rights, duties, and spirit of the citizenship oath, that volitionary allegiance, to name my favorite definition of citizenship, that we all make one to another and to our Nation.

I no longer believe that it cannot happen here. We are at a point in our national life where many, many trends and tendencies are coming together to demean, to diminish, and to destroy citizenship. I am absolutely convinced that, if allowed to continue, they will destroy America as we have known it and substitute a very different country, one that is spiritually incoherent, humanly conflict-ridden, and economically hobbled by the very differences that we have created with our own hand.

Let me touch upon the major trends and tendencies. First, the citizenship process. You may remember as in some distant misty past the days when new citizens were sworn in by black-robed judges in sober and beautiful court ceremonies, when new citizens often testified to their love of freedom in America, and where citizenship testing on civics and the English language was real and serious.

Today, let me characterize what we now face through the famous, or infamous, Question 86 on one of the major citizenship tests. Question 86 asks the question, "Name one benefit of being a citizen of the United States." Ladies and gentlemen, there are only three acceptable answers, but first, a warning. Please do not mention Lincoln or Jefferson or Washington, FDR, or JFK. Do not, please, let the words liberty, responsibility, or love of country somehow accidentally trip from your tongue, for you will not pass.

There are only three correct answers, to obtain Federal jobs, to travel with a U.S. passport, and to petition for close relatives to come to the United States to live. Nowhere is the sense of American citizenship today better exemplified than in those cynical words by which we tell the world that the United States of America is not really very much, just a bunch of benefits and entitlements thrown randomly together for almost anyone who wants to come.

Few Americans realize—I surely did not before I began writing my book, "Americans No More: The Death of Citizenship," that in 1988, citizenship preparation, testing, and even approval of the tests was given over by the INS to ethnic and religious lobbies and to private companies. At the same time, the old testing on American history and civics and the English language by INS officers, admittedly, often imperfect, gave way to oversimplified, dumbed down, and historically irrelevant standardized tests.

Most immigrants will get only two or three questions and they are toughies. What is the capital of the United States? Who was the first President? One of the INS chiefs told me that every question cost them $5,000 to devise. Ladies and gentlemen, I am from the South Side of Chicago and I could only tell him, "You have been gypped."

But not to worry if you cannot answer even those questions. Just call your friendly ethnic lobby or even the INS itself. They will send you a list of 20 questions, and, in fact, they are so very kind

and understanding that they will include the answers right along with the questions.

But it does not end there. When I was finishing my book last winter, I was stunned by the devolution of the entire citizenship process down to these outside groups with their own agendas that naturally and expectedly cannot be the agenda of the Nation. But I was not prepared for the corruption of the tests and for the scandal which have since ensued, of an American administration deliberately using the Nation's sacred citizenship process for its own political purposes. Today, we know that is true, as memo after memo has been released from the White House averring it.

All you need to do is to read the papers every day and you see scandal after scandal—one testing company, NAS, falsifying the whole process and raking in the money; ethnic lobbies, as in Chicago, dumbing down the requirements for English language capability; and, think of this, one of them in Chicago, my hometown, complained that the tests should not complain that the new citizens were becoming American citizens, so they changed it. The INS changed it to U.S. citizen.

At this point, after story after story and on television shows like "20/20", there is really no question anymore that this Administration has deliberately and systematically and utterly without concern to the spiritual coherence and inner stability of this Nation pushed through new citizens this year with no regard whatsoever to their preparation.

Five thousand pushed through with criminal records. Thousands pushed through without fingerprints, little or no English testing, et cetera, et cetera. Judgments from the Inspector General's Office that all of this was impermissible and illegal were just ignored by the INS.

Ladies and gentlemen, what have we come to as a nation when we allow the one commitment and process that unites us all or whose absence disunites us all to be so demeaned and disparaged?

In the short time we have, let me go over very quickly some of the other areas of my profound concern. First, non-citizen voting. I can already hear good citizens saying, what are you saying? It is illegal in all States for non-citizens to vote. That is true, but the fact is that all you need to do is get a library card in Chicago, or most cities, and with our lax immigration laws, you can get a driver's license and a voting card. The Los Angeles Examiner has estimated that at least 20 Congressmen and women owe their vote to the illegal vote.

Illegal immigration—in today's America, many illegal immigrants often have more privileges than do Americans. But my major deep concern is that what we have done with illegal immigration is to completely cutoff the benefits of the Nation from the responsibility of citizenship.

Ladies and gentlemen, illegal immigration corrupts everyone. It utterly destroys the connection between commitment to nation and responsibility to one's fellow man and replaces it with a cynical view of American society as simply a carcass upon which to feed. If the mantra of the dumbed down citizenship test is "easy, easy, easy", then the mantra for how we Americans are advertising our country is "benefits, benefits, benefits".

We used to have reasonable restrictions on citizenship. We used to assume that English was the language of the land. We knew such things. Today, dual citizenship is common, character confirmation does not exist, et cetera, et cetera. We have new movements in the Southwest which are essentially separatist movements. I never took them seriously before now, but I do take them seriously, particularly the movements for Aztlan or for reclaiming the Southwest for Mexico.

Ladies and gentlemen, I have only touched upon the tip of the iceberg, but let me say that every single element that I have seen overseas in the countries that I have seen collapse under me, whether it was Lebanon or Bosnia, I am seeing now in America—the death of an all-encompassing ideology, the deconstructing of nations in the name of ambitious individual egos, the breakdown of one language as the unifying element in society, the sudden thundering of legal or legitimized population power balances.

If, indeed, the United States goes as I believe it is, we will be just generally neutralized internally and this will affect not only us, the last best hope of mankind, more critically necessary in the post-cold war world than ever will be gone. Citizenship stands at the center of all of this. It is what will keep us together or drive us apart, or as is happening, simply set us one against the other, a bartering and bargaining crowd, quarrelsome and conflictive strangers in the land where once we knew the brotherhood and sisterhood that was citizenship.

Thank you.

Senator SIMPSON. Thank you very much.

Dan Stein, please.

STATEMENT OF DAN STEIN

Mr. STEIN. Mr. Chairman, my name is Dan Stein. I am the director of FAIR. The hearings of this type are a poignant reminder of how much we will all miss you in this Congress. The importance of the subject matter and thoughtfulness of the hearing and breadth of it are vitally in the national interest and you will be sorely missed, but we think you have done a great job. I know you will stay involved.

Senator SIMPSON. Thank you very much.

Mr. STEIN. This citizenship scandal reminds me of the old saw. The order comes in, "Daddy, my teacher is nervous." "Why is that?" "Daddy, she says that if I do not get better grades, somebody is going to take a licking," and in the old days, everyone understood what that means. But today, it does mean that the standards are the things that take a licking if the students do not do well, the educational standards.

The standards for new citizens are being demeaned dramatically as we all observe the effort by the Administration to naturalize by election 1.3 million new citizens with zealous efforts, as the interoffice memoranda indicate, to water down, smooth over, accelerate and waive or otherwise make the process as easy as possible.

I think this really implicates a broader concern here, which is the sheer volume. The sheer volume of new immigrants, new citizens using this system, the number of people coming through will have a great bearing on the quality of resources we can deliver to

individual citizens. When we run mass naturalization programs without adequate resources, the integrity of the process is quickly compromised. When we run mass naturalization for those who come from a contiguous country with a historical political grievance, the failure to give the process integrity can take on broader long-term dimensions, which I hope to address a bit later.

But in this country today, we have adopted Sheldon Wolin's "thin theory of consent", where, as Richard Sinopoli says in a recent book, "the centralization of political power in the administrative state of the 20th century and great concentrations of economic power have contributed to the delegitimization of democratic man and the replacement of the very notion of citizen by that much studied specimen, the American voter." "A State that needs only formal legitimation," says Wolin, "reduces citizenship to such a negligible consideration that all the burning issues of political theory, participation, equality, civic virtue and justice, no longer seem to matter."

We could not agree more. This country has essentially established a thin intellectual gruel on which our citizenship conception is based, inherited mostly from the framers and the Founding Fathers and political philosophers that they inherited. Citizenship in this country does need to involve more in the way of active community management and participation so that citizens feel that their citizenship means something and distinguishes them from non-citizens.

Although scholars and academics debate the meaning of citizenship at length, for us at FAIR, the matter is straightforward. The Nation is basically made up of land, which includes airspace resources, natural endowments, the people, in quotes, the people, and institutions. The people in a republican democracy support the institutions. As Churchill said, "We shape our buildings, and afterwards, our buildings shape us." Political institutions reflect the civic character and virtue of the citizens that comprise them.

Virtues that we think should be promoted in the citizenship process and generally, discipline and the self-study and personal improvement it implies; honesty, fair dealing, including good moral character. Burke said private honor is the foundation of public trust. We should remind ourselves of that as we work hard to try to separate private honor and the public trust.

General love of country; a duty to inquire, including a duty and an educational ability to inquire into the political and social history of the country. Burke also noted that those who will not look back at their ancestors will never look forward to their posterity.

A drive to succeed, which implies a drive to acquire the common language and pursue excellence, however defined; a commitment to understand and support our republican form of government and a commitment to participate in it and vote in it; a shared sense of future and shared sacrifice. My biological ancestors, great grandparents, came from Russia, but my political ancestors are Washington, Hamilton, Lincoln. A willingness to recognize and support the Constitution and national boundaries, and a commitment to preserve the land and its resources.

My testimony goes into some discussion about this idea of a universal nation, this world versus Jihad concept that the United

States is becoming, our international/transnational culture, and then I go on to make some specific recommendations about not using private contractors.

We also believe that the naturalization process should be a two-step process. The potential citizen should set up a declaration of intent to naturalize within a rigorous educational process put on by government-sponsored programs to inculcate the values and virtues I just mentioned. This would be essentially an 8-year process with 3 years after the declaration of intent to naturalize.

User fees should cover the actual cost of the naturalization. We support a public service requirement for potential new citizens. We recommend at least 100 hours and trust Congress to craft the general parameters of what that would be.

References should be required for naturalization applicants and there should be no exemption from the English language requirement. As Ron Dworkin has observed, the right to claim membership in a liberal political community "should presuppose the capacity to make one's political preferences known." As their burden is the same, the requirements for demonstrating their ability to meet that burden should be the same. Citizenship should not be a reward for endurance but a recognition for fitness to join the political body politic.

But all these other factors pale in comparison to the main issue. Fifty years from now, we will look back and see the decision of the Mexican government to allow dual nationality as one of the most historic events of this century, I believe.

When you are talking about limited dual nationalities arising as a result of small numbers of immigrants coming from countries halfway across the globe, these factors maybe do not represent a threat to the security of the country, but as Americans watch new citizens taking the oath of office, the oath says, "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince," and on and on.

Now, unless those words have no meaning, unless this is a fraud, unless we can have it both ways, one foot in, one foot out, rights and privileges in both countries, then we should not ask citizens to take the oath of allegiance if, in fact, they are not declaring exclusive allegiance to this country.

Now, the difficulties are somewhat obvious when we consider the situation of native-born citizen, but for immigrants, it should not be that difficult. We recommend that there be a 30-day period after the taking of the oath of allegiance during which time the new citizen will have demonstrated amply that he or she will have taken whatever steps are required to relinquish their nationality in their original country or else the new U.S. citizenship is automatically rescinded.

When you have millions of people from a contiguous foreign country which has a prior ancestral land claim, a historic political grievance, a belief that the United States has occupied Mexico, that the Treaty of Guadaloupe-Hidalgo really does not exist, you are not dealing with the immigrant contract with America, which is that I come from a home country 20,000 miles away, never to see it again, to join the American experiment, to become a citizen and pursue the American dream. It becomes, in a sense, a process, as

we hear frequently from Mexican officials, of reoccupying what was theirs anyway, although Spain held it longer than anyone.

The truth is, over time, if you have dual nationals from the United States and Mexico with U.S. citizens in Mexico participating in Mexican elections and Mexican citizens participating in U.S. elections, in time, the border becomes meaningless and you, in a sense—the previous panel has said there was no empirical evidence. Well, one has to merely read Will Durant's "Lessons of History" to understand what is happening here. This is not immigration. This is recolonization, and binationality or dual citizenship in that context is a troublesome thing. If, at some point down the line, Mexico were to decide to try to run its writ across parts of the Southern United States, which side of the conflict would these dual nationals fall on?

I know it sounds a little alarmist to raise the issue now, but recognize that we are now naturalizing millions and millions of people potentially in this situation, and so that we will be eviscerating those distinctions down the line in what I believe will be a long-term and profound historic mistake.

I also address in my testimony the fact that invidious distinctions or punitive distinctions between citizens and non-citizens are not appropriate. Someone who comes here and, as a result of hardships which could not have been foreseen, certainly should be accommodated. Nevertheless, making distinctions in welfare benefits, in various entitlements and other privileges of citizenship are rightfully reserved for citizens and we believe that Congress acted appropriately and should continue to act appropriately to restore the viability of the idea that citizenship matters, that State resources can be reserved for citizens, that it is healthy, it is right, that Proposition 187 turned out to be the biggest naturalization program spur that we have seen in the last 50 years.

Three years ago, we heard complaints that not enough people were naturalizing in the New York Times and suddenly everybody wants to become a citizen. The incentives have to be built into the process and the distinctions between citizen and non-citizen are important.

With that, Mr. Chairman, I will welcome your questions.

[The prepared statement of Mr. Stein follows:]

PREPARED STATEMENT OF DAN STEIN

> When any foreigners wished to be admitted entirely * * * , they were not at once admitted to citizenship[.] The reason for this was that if foreigners were allowed to meddle with the affairs of a nation as soon as they settled down in its midst, many dangers might occur, since the foreigners not yet having the common good firmly at heart might attempt something hurtful to the people.
> —Thomas Aquinas, *Summa Theologica,* Part I of Second Part, Q. 105, Art. 3.

Mr. Chairman and members of the Committee, thank you for the opportunity to testify on behalf of the Federation for American Immigration Reform (FAIR). My name is Dan Stein and I am the executive director of FAIR. FAIR is a national non-profit, public interest organization working to end illegal immigration and to adjust immigration to conform it to today's national need.

My testimony today is about making naturalization a more meaningful process. To do so, I suggest we follow the lead of Congress itself, which has just passed a law that began as the Immigration in the National Interest Act. While opinions on the final form this law has taken vary, I must applaud the concept at its heart, the concept that immigration should in fact be fashioned with reference to the needs of

the American people and the national interest. Had our country not lost sight of this central precept, further dramatic immigration reforms might not be necessary today. Most of the problems of immigration stem from forgetting that immigration should be beneficial not simply for the immigrant, but for our society as well. To be a success, the relationship between the immigrant and our society must be mutually beneficial.

We are concerned that recent mismanagement of the naturalization process has cut corners and has degraded the standards for citizenship. However, the diminution of the value of citizenship is not confined to, nor did it begin with, the naturalization process. America's awareness of the responsibilities of any citizen, native-born or naturalized, to his country have faded. Nowadays, everything is viewed in terms of individual rights, and what our country can do for us has eclipsed what we can do for our country. We have adopted Sheldon Wolin's "thin theory of consent" where, as Richard Sinopoli states in The Foundations of American Citizenship, "the centralization of political power in the administrative state of the twentieth century and great concentrations of economic power have contributed to the 'delegitimization of democratic man' and the replacement of the very notion of citizen by that much studied specimen, the American voter. 'A state that needs only formal legitimation,' [says Wolin], reduces 'the citizen to such a negligible consideration that all the burning issues of political theory—participation, equality, civic virtue and justice—no longer seem to matter.'" (Oxford University Press, 1992.)

Although scholars and academics debate the meaning of citizenship at length, for us the matter is fairly straightforward: A nation is made up of land (including airspace, resources and natural endowments), "the people," and institutions. "The people" in a republican democracy support the institutions—or as Churchill said, "we shape our buildings, and afterwards, our buildings shape us." Political institutions reflect the civic character and virtues of the citizens that comprise them. The virtues we have favored historically are both individual and social:

- Discipline, and the self-study and personal improvement it implies;
- honesty and fair dealing, including good moral character;
- a general love of country;
- a duty to inquire—including a duty and educational ability to inquire into the political and social history of the nation;
- a drive to succeed, which implies a drive to acquire the common language and pursue excellence, however defined;
- a commitment to understand and support our republican form of government, and a commitment to participate and vote in it;
- a sense of shared future and shared sacrifice;
- a willingness to recognize and support the Constitution and the nation's boundaries;
- a commitment to preserve the land and its resources.

Naturalization procedures and preparations should emphasize these positive virtues through study and social service. Is there a national consensus on this? Truthfully, there is no longer any real agreement about what this country is: Is it an idea? Are we a "universal nation" transcending the land boundaries and the nation-based culture? Some believe that. We at FAIR doubt it. For the immigrant, there are even greater burdens. They come from the need to "catch up," if you will. She/he has not lived a life in the United states, and therefore enters the stream of civil discourse later and without a shared part of the collective national memory. Naturalization practices should take this into account, and work to help ensure the new naturalized citizenry understands and is exposed to the social, political and cultural events of the past twenty years. Today's naturalization exam obviously reflects an effort to simplify and accelerate the process of mass naturalization. It does not reflect any real effort to inculcate more than a tiny component of this overarching scheme. It goes well beyond the scope of this testimony to consider all the changes that would be needed to revive these broader precepts. But at a minimum, those eligible for Permanent Resident status need to be better educated, and placed under far greater scrutiny prior to admission than is now the case.

Before reviewing our recommendations, I point out that my remarks presuppose an Executive Branch of the government that is committed to enforcing both the spirit and letter of the law. Recent scandals involving INS and its contractors suggest that now there is more emphasis on expediency—even at the expense of legality or integrity—than in ensuring a process that serves the broad public interest. Most recent immigrants, it seems, are spurred to naturalize by the prospect of bringing more relatives or maintaining access to various public benefits programs.

In this climate, it is understandable what has happened to naturalization. Instead of being the means by which America assures that its adopted citizens understand the burdens of citizenship—and demonstrate their readiness to assume them—it is

treated as the means by which aliens can more quickly petition for the admission of relatives abroad.

Immigration and Naturalization Service is the name. Just as immigration should be in the national-community's interest, so too should naturalization. The question then is not simply what is fair to the immigrant, but rather what is beneficial for our country. With that in mind, we recommend the following changes in the naturalization process.

All private contracting of the naturalization process should stop. The recent difficulties of the Citizenship USA program are evidence of the risk of making citizenship a business. This dangerous experiment has failed, and badly. Do not be deceived: the answer does not lie in tightening the controls over private contractors, establishing oversight committees to monitor them, or even detailed regulation about what procedures they must follow. All private contracting of the naturalization process should cease. The use of private contractors necessarily sets up a reward system whose sole interest lies in qualifying as many people as quickly as possible. This emphasis on the quantity of applicants handled inevitably damages the quality of the process. Clearly, the responsibility for naturalization lies with the state and must be carried out by the state. The state cannot appropriately farm out its responsibility for naturalization—an act of supreme national importance—any more than it can contract out the duties of this legislative body.

Naturalization should be a two-step process, beginning with a declaration of intent to naturalize. A lawful permanent resident alien should be eligible, after five years in that status, to declare his intent to naturalize. That declaration should be followed by a three-year period in which the applicant has the opportunity to fulfill all the requirements for citizenship and the government has the opportunity to do a thorough check for criminal background or other disqualifying features. Regardless of when the requirements are met, the applicant could not be naturalized until the end of the three-year period. This built-in schedule will remove any temptation to stint the process by rushing it along or by omitting some part entirely (as has happened in the Citizenship USA program with fingerprint checks).

The naturalization user fee should not be subsidized; it should reflect the actual cost of the service of naturalization. In its April 1994 report on INS user fees (GAO/GDD–94–101), the General Accounting Office pointed out that the naturalization user fee covers less than half of the pro-rated cost of the naturalization process. Of all INS user fees, the naturalization fee is the one most discounted from the actual taxpayer cost of the service provided. The GAO estimated the cost of the process at approximately $200 per person. Surely anyone prepared to assume the burden of citizenship can, over a period of eight years, meet this burden as well.

The naturalization process should include a public service requirement. The process of becoming a citizen should help prepare immigrants to bear the burden of citizenship. While not all citizens can do public service, it is important to communicate to applicants that citizenship is about contributing to society, not just to oneself. Many high schools require community service of their students to qualify for graduation; the seriousness of inculcating the demands of citizenship properly exercised suggests that this is an appropriate requirement as well. We would suggest a requirement of at least 100 hours, and trust that Congress and the INS could craft appropriate general criteria for what would constitute public service. Over the three-year period between declaration of intent and final naturalization, there would be plenty of opportunity to complete the community service requirement.

References should be required for naturalization applicants. Just as immigrants must have sponsors for their admission and every job in the United states requires references as a precautionary measure and as a means to verify the character of the applicant, so too this standard and obvious method should be part of the naturalization process. Naturalization would require affidavits from three U.S. citizens of good character (as defined by the naturalization law already), testifying to the good character of the applicant and his desirability as a new citizen. No appropriate naturalization applicant should have difficulty finding such references after five to eight years as a contributing member of our society. During the three-year declaration period, the INS would have ample opportunity to confirm the references, who might then later play a supporting role in the naturalization ceremony.

There should be no exemptions from naturalization requirements, including the language requirement. In the past, there were no such exemptions. At present, the English language requirements are waived or modified under certain circumstances, such as age of the applicant or the length of his stay in the United States. But in our society, the eldest are as responsible for the civic well-being as the rest of us. As Ronald Dworkin has observed, a right to claim membership in a liberal political community "should presuppose a capacity to make one's political preferences known." (Sinopoli at 170.) As their burden is the same, the requirements for dem-

onstrating their ability to meet that burden should be the same. Citizenship should not be a reward for endurance, but a recognition of fitness to join the American body politic.

Further, English language requirements should be demanding enough to ensure fair opportunity to participate in a deliberative political process. This means more than just re-writing a memorized simple sentence. It means functioning, working knowledge of the English language at least at the high school graduate level.

Dual citizenship should be limited to native-born U.S. citizens. The oath of citizenship is quite clear. It states that: "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty of whom or which I have heretofore been a subject or citizen." Those becoming U.S. citizens should be required to take whatever steps are required to relinquish their first country's nationality within 30 days of taking the oath of allegiance to the United States. Since the Supreme Court's decision in *Afroyim* v. *Rusk* in 1967, it has become impossible to revoke naturalization for the exercise of foreign citizenship. Thus, naturalized and native-born American citizens now vote in foreign elections and, in some recent cases, serve as high officials in foreign governments. The intentional exercise of foreign citizenship is a direct violation of the citizenship oath and could be grounds for the revocation of naturalization. Unless Congress passes new law to reaffirm this principle, citizenship will continue to lose significance in the United States.

There is another aspect to this problem. Years from now, we may look back at the Mexican Government's willingness to allow dual nationality for its northern migrants as the beginning of the creation of a "nation within a nation." Never before in the history of the country have we admitted so many immigrants from a neighboring country. Many new immigrants from Mexico seem to believe that the U.S. is "occupied Mexico," and are taught this now not only in Mexico but in many American schools. Over time, with dual nationality, the distinctions between the border regions could disappear with a significant section of the electorate of the view that the border with Mexico "really doesn't matter." If Mexico sought in the future to reoccupy parts of the southern U.S., whose side would these dual nationals be on? Maybe this danger is not realistic, but it should be considered.

Appropriate distinctions should be maintained between citizens and non-citizens. It is axiomatic that the fewer differences between the role of the citizen and the role of non-citizen, the less important citizenship becomes. Over the years, various federal and state courts have embraced the Equal Protection Clause of the 14th Amendment to justify eliminating a variety of state distinctions between aliens and citizens. In time, many Permanent Resident Aliens, especially those from contiguous nations apparently, felt that the value of citizenship did not justify taking the steps to naturalize. After all, if most of the benefits of citizenship can be obtained without assuming its burdens, why bother?

It is true that aliens may now wish to naturalize "for the wrong reasons." But the answer to this problem is to improve the system as I have suggested above, not to give to non-citizens all the privileges of citizenship and none of the burdens.

Mr. Chairman, we do not support invidious or punitive distinctions between our citizens and residents who are citizens of other countries; those distinctions that are made should be calculated to screen for a sense of commitment and loyalty to our nation. Assistance with disabilities that arise after lawful entry and could not have been foreseen and emergency medical treatment should certainly be available. However, it is right and proper for Congress to permit states and localities to conserve scarce common resources for those who are citizens.

Duty to the land. As a primary constituent of nationhood, the land and its preservation are considerations of the highest order. Citizenship training should include lessons in sound ecological practices and responsible family planning decisions and encouraging the goal of small American families. Immigration should not be a prime factor fueling U.S. population growth.

Thank you for the opportunity to testify and for beginning this important discussion of the meaning of citizenship. The dialogue on this issue is both of central importance to our future and long overdue.

Senator SIMPSON. Thank you very much.

Finally, Mr. Raul Yzaguirre. It is nice to have you here once again.

STATEMENT OF RAUL YZAGUIRRE

Mr. YZAGUIRRE. Thank you, Mr. Chairman. My name is Raul Yzaguirre. I am president of the National Council of La Raza. I

would like to introduce my testimony into the record, and with your permission, I will just simply make some remarks.

Senator SIMPSON. It is so ordered.

Mr. YZAGUIRRE. Mr. Chairman, let me identify myself with your opening comments on the value of citizenship as well as those of the ranking member of the committee. I think the sanctity of citizenship is something that we can all abide by and subscribe to.

Let me speak directly to the issue and get at the heart of the matter. What we are talking about seems to be a scandal, a so-called scandal that, if I heard it correctly, that is part of our political process and that is some kind of an effort and a conspiracy on the part of INS to grant citizenship to people on the basis of their political motivation.

Mr. Chairman, I believe there has been a scandal in INS. It is scandalous to me that for years, you had to wait 4 or 5 years from the time that you applied for citizenship to the time that you were granted it. That scandal has been occurring at INS for a long, long time. Indeed, many people have asserted that INS is a misnomer, or at least has been in the past, that it was not about immigration, it was not about naturalization, and certainly was not about service.

I applaud the efforts of Commissioner Meissner to bring immigration, naturalization, and service back to the INS and I am happy that we are finally directing some attention to what, indeed, has been a scandal for me for many, many years.

INS has always been inept. It has not been a perfect institution. There is no evidence that I have heard of so far that suggests that it is now more inept than it was in the past. There is nothing in the record to suggest that the number of people who made it through the process who were not eligible to make it through the process has somehow increased. Yes, we have some anecdotes. Yes, we have some memos. Those memos, those anecdotes have always existed.

I am also surprised that people who have advocated private contracting by the government to carry on its functions in many other situations and in other venues seem to take affront by now having private contractors do some of these services. Also, let me state for the record that, as far as I know, no non-profit organization has been charged or accused, and certainly not convicted, of any kind of wrongdoing. What seems to be at play is some profit-seekers who often cut corners.

Mr. Chairman, I share the concern that many of the panelists have expressed regarding the unity of this Nation. I served in the armed forces, I took an oath of office, and I deeply respect the institutions of this Nation.

Let me tell you with all sincerity that, in my judgment, the biggest threat to unity, to comity, to cohesion is bigotry and prejudice. I say that as clearly and as forcefully as I possibly can. It is not ethnics. It is not minorities. It is not immigrants. They have been useful scapegoats for some politicians to get elected.

Let us remind ourselves what other people have said about previous immigrant groups. Jews, Mr. Stein, were said to be un-American and could never become Americanized. Some of the earlier founders of this country asserted that the largest ethnic group in

America, German Americans, could never become Americans. Indeed, Senator Kennedy, the Irish were widely seen in newspapers as not being able to be assimilated into the United States of America.

I find it absolutely incredible that before this committee, an individual who has represented the American Government in Latin America finds it convenient to demean and defame an entire continent as unworthy of being an American. You know, I have gotten used to hearing a lot of incredible rhetoric in these kinds of hearings, but I have to tell you that it is very difficult for me to control my emotions when I hear somebody say that, somehow, an entire continent, indeed, almost the majority of the entire hemisphere, is somehow less worthy of becoming Americans, and then they use all kinds of phony explanations.

Somehow, Latins are not supposed to be as American as others because we do not vote. Mr. Chairman, let me point out to you that Hispanic Americans are voting exactly as you would predict them to vote. The three biggest contributors and determinants of voting are age, education, and income. If you take those into consideration, Hispanics being the youngest, the most undereducated, and the most poor in this country, we are voting exactly at the level that we are voting.

Indeed, the cultural values that are historical in nature would suggest something very different. We are voting like Americans. Had we been voting like Mexicans, we would be voting at 80 and 90 percent rates. If we were voting like Puerto Ricans in Puerto Rico instead of Puerto Ricans in the United States, we would be voting at 80 and 90 percent levels. I have never seen people with so many credentials offer up so much trip before a panel of the U.S. Congress.

I do not know, Mr. Chairman, if there were politics involved in launching the citizenship initiative by the administration. I do not know if there were politics in the reason we are holding these hearings. I can tell you that this is something, that citizenship is something that we ought to be promoting. It is something that we valued in the past and I see no reason why we should devalue it now.

Let me also be very clear on one other issue. I cannot speak for my organization, because we have simply not taken a position on it, but let me speak for myself. I do not favor dual citizenship. I think it is a phony issue. When 39 countries allowed dual citizenship, we never said anything about it. But now that Mexico is talking about not dual citizenship but simply not recognizing the renunciation of the Mexican nationality, which is their sovereign right—whether it is the right thing to do or the wrong thing to do, that is their sovereign right to do so.

I personally served in the Armed Forces. We did not ask ourselves whether we should serve. We knew we had to serve. Let me also point out some other history. In World War II, the beginning of World War II, when hundreds of thousands of Mexican Americans had the right and privilege to return and reclaim their citizenship in Mexico because their parents were Mexican citizens, they did not do so.

They served the United States of America in greater numbers and in greater percentages with greater proportions than the num-

bers would indicate, more heroically. Indeed, people like General MacArthur said he would trade all his troops for Mexican Americans, the most decorated Americans in World War II on a proportionate basis. Yet, we have assertions before this committee that, somehow, the patriotism of these Americans should be less than other Americans.

Mr. Chairman, I am enormously tired of the scapegoating that is going on in this country. I am enormously tired of all kinds of extraneous issues, like multicultural education, ethnic lobbies, all manner of hypocrisy being thrown at us. Again, let me go back to what I said earlier. We should be all concerned with the unity of this Nation, with the cohesion of this Nation, and if we are truly about that, we will work on the real problems of this society, racism and prejudice, and we have seen an ample amount of that today.

Thank you very much.

[The prepared statement of Mr. Yzaguirre follows:]

PREPARED STATEMENT OF RAUL YZAGUIRRE

INTRODUCTION

My name is Raul Yzaguirre, and I am the President of the National Council of La Raza (NCLR), the nation's largest constituency-based Hispanic organization. Established in 1968, NCLR today has over 200 community-based organizations who together serve 38 States, Puerto Rico, and the District of Columbia—and a broader network of more than 20,000 groups and individuals nationwide—reaching more than two million Hispanics annually. NCLR has long recognized the importance of citizenship as the final step in the process by which legal immigrants become Americans. It is a key to political empowerment for immigrant communities, and a proud step that many Latinos remember taking themselves, or watching their parents or grandparents take with pride and honor.

I appreciate the opportunity to testify before the Subcommittee today, especially at a time when the naturalization process seems to be under political attack, and hope that the positive aspects of the process are not overlooked during today's discussion. For far too long Latinos and other immigrants have faced numerous obstacles in their attempts to become citizens, obstacles that have deterred many immigrants from seeking and obtaining citizenship. Rather than vilify those immigrants who have chosen to take the oath of citizenship during the past few years, we should wholeheartedly open our arms and welcome them as new Americans eager to take part in our nation's political system.

NCLR'S ROLE IN THE NATURALIZATION PROCESS

NCLR has a long history of promoting naturalization among the Latino community and, along with its affiliated community-based organizations, has focused on conducting outreach to immigrants to encourage them to naturalize. NCLR also has prepared several analyses of the naturalization process, and on numerous occasions has provided testimony before Congress on the Immigration and Naturalization Service (INS) and its administration of its services. A 1991 NCLR report, Unlocking the Golden Door: Hispanics and the Citizenship Process, analyzed the naturalization process and found that Hispanic immigrants naturalize at one of the lowest rates of any ethnic group; in fact, a 1995 report by the Congressional Research Service found that residents born in El Salvador and Mexico had the lowest percent of naturalized populations, 15.4% and 22.6% respectively.

The report also traced the many obstacles which deter Latinos and other immigrants from seeking and obtaining citizenship. One of these obstacles is distrust of the INS, particularly by immigrants who view the INS more as an enforcement than service agency. We cannot deny that the agency's role in border enforcement and work site raids, and the abuse that sometimes results from this role, gain more publicity than its role as a service provider. However, many legal immigrants and native-born citizens of Hispanic descent have an intuitive suspicion of the INS dating back to a series of "repatriation" campaigns in the early and mid-1900s which resulted in thousands of citizens and permanent residents being deported without benefit of due process. In recent years, many Hispanic immigrants and citizens have

alleged that INS immigration law enforcement continues to have a discriminatory effect on Hispanics; this suspicion is supported by the fact that over 90% of INS enforcement activities are targeted at Latinos, though they make up less than 90% of the undocumented population.

Another obstacle encountered by immigrants is the actual implementation of the naturalization process, which for many potential applicants turns naturalization into a daunting task. Some of these implementation problems include lengthy lines to obtain forms, the need to take time off from work (which often places undue financial stress on applicants), and persistent and worsening backlogs. Even during the mid-1980s, applicants in Los Angeles had to wait up to three years between the filing of the application and the scheduling of the interview. Although increases in personnel and a transition to computerized application processing reduced the waiting period to four months, a 1991 report by the General Accounting Office found that the INS-wide processing time had climbed as high as 6.2 months, while in some cities it was nearly one year.

Inconsistent and confusing administration of the naturalization exam is another obstacle many immigrants face. For the most part, INS examiners have a great deal of latitude in administering the English and Civics portions of the exam, and can make it as difficult as they wish. Documented studies, as well as complaints received by NCLR, have revealed that examiners often make up their own questions, which can be extraordinarily difficult and which few native-born U.S. citizens can answer. The fact that Hispanic applicants are denied at a higher rate than other ethnic groups also serves to reinforce the fears of other Hispanics eligible to apply.

THE SURGE IN NATURALIZATION APPLICATIONS

In spite of these existing obstacles, during the past three years a record number of immigrants have applied for citizenship. While there has been plenty of publicity surrounding the possible reasons for this unprecedented increase, NCLR is aware of several explanations for this surge. First, outreach efforts by NCLR, the National Association of Latino Elected and Appointed Officials (NALEO), and local immigration coalitions throughout the country have been successful in promoting citizenship among eligible legal immigrants. Both NCLR's report, Unlocking the Golden Door: Hispanics and the Citizenship Process, and NALEO's proceedings of a 1993 conference on citizenship, The Surge in Naturalization in the 1990s: Promise or Peril?, found that immigrants faced many obstacles in their attempts to become citizens, including mistrust of the Immigration and Naturalization Service (INS), inconsistent and ineffective administration of the citizenship process, long waiting periods, and lack of access to English and civics classes.

Second, in 1994, the debate surrounding the campaign in support of Proposition 187 in California, on which Governor Pete Wilson based his reelection, conveyed to immigrants, both legal and undocumented, the impression that they were under attack. This was confirmed after the passage of Proposition 187 as "foreign-looking" individuals—some who were U.S. citizens—were asked to present their green cards in order to receive service at grocery stores, restaurants, and banks. Proposition 187 was seen as a wake-up call to immigrant communities who now want to help combat this and other similarly offensive policies proposed at the State and national levels. Throughout the country, immigrants tell us that they want to naturalize so they can vote and fight against such immigrant-bashing campaigns. Along with such State initiatives, recent welfare reform legislation made dramatic changes in immigrant eligibility for basic safety-net services. The ensuing result of this new law was to force immigrants to naturalize—even if they aren't currently receiving benefits—because the safety net may not be available to them or their children in times of crisis. Third, the 2.6 million immigrants who received legal status due to the 1986 Immigration Reform and Control Act (IRCA) legalization programs have now recently completed their residency requirements and are eligible to apply for citizenship.

CHANGES TO THE NATURALIZATION PROCESS

This year, we have heard allegations that the INS, in expediting the processing of record number of applications, has "dumb-downed" or cheapened the naturalization process. There have already been several suggestions that current requirements need to be modified to restore the allegedly lost integrity of the process. Rather than focusing on ways to continue to streamline and improve the naturalization process, however, these changes would in essence make the process more difficult for immigrants to become U.S. citizens, including increasing the residency requirements and eliminating outside administration of the English and civics examination. We would like to note that, in contrast with immigration law and even the Internal Revenue Code, the naturalization process has maintained a statutory stability throughout the

years; in fact, the five-year residency requirement has not changed since 1801, Thomas Jefferson's first year in office.

As to outside testing, while there have been some isolated charges of fraud in the administration of the standardized civics test, they have consisted of agencies involved in the naturalization process as a profit-making venture. The not-for-profit community, which assists citizenship applicants as a community service and civic activity, has an unsullied reputation for assisting thousands of applicants with the process through legitimate means. Efforts to reduce fraud should be aimed where the fraud occurs—at those organizations making money off the naturalization process—without undermining civic and community organizations which assist new citizens as a public service. We believe that the INS's recently released requirements to strengthen existing procedures will assure a more vigilant monitoring of the six testing entities and their affiliates. For many immigrants, the ability to take the civics test at a community-based organization or community college in their neighborhood makes applying for naturalization a less intimidating process.

NCLR's 1991 report offered several recommendations on ways to improve the naturalization rates in the Hispanic community and make the naturalization process more efficient. Some of these included streamlining the naturalization process through the creation of a centralized and standardized citizenship examination, issuance of guidelines to examiners to eliminate undue examiner discretion, and ensuring effective hearings through which failures based on unreasonable exams can be reversed; successful implementation of administrative naturalization, including taking advantage of the opportunity this system offers to reduce backlogs; and conducting effective outreach efforts, in conjunction with community-based organizations, to inform individuals of their eligibility, as well as to eliminate the fear of the process prevalent in the immigrant community and to debunk some of the popular myths regarding naturalization.

The INS also should continue to develop joint private-sector citizenship programs and work closely with those organizations who have ties with the immigrant community, including unions, corporations, and community-based organizations. For example, through its year-long Citizenship USA initiative, the INS has been successful in establishing partnerships with local officials and community organizations to provide better information and assistance to potential citizens, and increase community involvement. These partnerships have also allowed the INS to conduct interviews in community sites, thereby decreasing "no-shows" and making applicants more comfortable with the interview process.

None of NCLR's recommendations to improve the naturalization process has suggested that the naturalization process be made easier. Yet we believe that as a service agency, the INS needs to focus not only on the enforcement of U.S. immigration laws at the border or the workplace, but the promotion of naturalization among eligible legal permanent residents, along with an efficient naturalization process. In the past, neither the agency itself nor Congress has placed much emphasis on the naturalization component of the INS, choosing to appropriate a disproportionate amount of money to enforcement activities rather than the adjudication of naturalization applications. The appointment of Doris Meissner as INS Commissioner, however, has resulted in the INS placing a greater priority on naturalization, which had been neglected for too long. The launching of Citizenship USA, while relatively modest in comparison to nationwide demand, has reduced the waiting period to six months in the five target cities with the greatest need, as well as several other cities with smaller but significant backlogs.

In short, the public is not served well by unreasonable backlogs, lost applications, arbitrary examinations and interviews, and other problems which have plagued the citizenship process for far too long. INS must be encouraged, rather than attacked, in its efforts to improve and make the process efficient. Can anyone imagine having to wait six months for a drivers' license or new Social Security card? If this were to occur, the public would be justifiably enraged and demand that the government take immediate steps to reduce the backlog.

THE VALUE OF U.S. CITIZENSHIP

There have always existed distinct differences between the benefits accorded to U.S. citizens as opposed to noncitizens. First of all, for nearly a quarter of a century, immigration law has contained a provision under which immigrants have their sponsor's income "deemed" to them for a period of time to determine eligibility for the three major federal programs, including what was Aid to Families with Dependent Children (AFDC), food stamps, and Supplemental Security Income (SSI). Under this deeming process, legal permanent residents had to prove that they would not become a public charge during their first three to five years in the U.S. The welfare

reform law, however, changed this longstanding provision and bars legal immigrants' from accessing, with few exceptions, federally-funded means-tested programs, and gives states the option to bar legal immigrants from receiving state-funded benefits. Legal immigrants are now barred from receiving public benefits until citizenship, or if they can prove they have worked in the U.S. for 10 years.

Other differences include giving U.S. citizens greater access to immigrant visas for their family members than permanent residents. They are the only group, for example, who can obtain visas for their spouses and unmarried minor children almost immediately, and who have the right to petition for their married children, parents, and siblings. Permanent residents, on the other hand, can only petition for their spouses and unmarried children and must do so through a preference system subject to numerical limits which have caused huge backlogs in recent years. Obtaining citizenship also expands a person's employment opportunities as certain government and security-sensitive jobs, along with some licensed professions in the private sector, are open only to U.S. citizens. Certain forms of financial aid, such as Reserve Officer Training Corp (ROTC) scholarships and some private scholarships, are available only to citizens.

The other benefits to being a U.S. citizen, while less tangible but more meaningful, are the right to vote and the right to hold elective office. Hispanic immigrants realize that this ability to vote correlates with the ability to resolve problems affecting their community, and increases their chances of wielding political clout over their elected representatives at all levels. Moreover, NCLR truly believes that increasing the rate of naturalization within the Hispanic community would improve the quality of life for Hispanics by giving them a stronger voice in the U.S. political process. Minimizing the growth of a disenfranchised population truly benefits the entire nation.

CONCLUSION

NCLR welcomes a reasoned discussion of the value of citizenship and the entire naturalization process. Yet we must note that recent attacks on the naturalization process and claims that the Clinton Administration's Citizenship USA initiative is politically driven are being led by immigration restrictionists with a clear anti-immigrant bent. These individuals and organizations began their onslaught by initially attacking the undocumented, then moved on to legal immigrants, successfully obtaining unreasonable restrictions on immigrant access to publicly-funded programs and nearly securing severe cuts in legal immigration itself.

They are now assailing immigrants who are naturalizing—the only group left to attack—questioning not only their reasons for wanting to become U.S. citizens, but their patriotism and allegiance to this country.

NCLR believes, however, that there is more to the current attacks on the citizenship process than simply concern about fraud and the alleged cheapening of existing standards. There is no denying that some politicians are uncomfortable with the fact that so many of the new citizens are ethnic minorities. The clamor that these citizens are not like those of the past has led to insinuations that the concept of citizenship is no longer revered, and that legal immigrants will become citizens to receive welfare benefits. Clearly, some long-term residents will naturalize as a response to the recently-enacted welfare law in order to ensure that, in case of an accident or other calamity, their families will not be left to starve. One can hardly blame those who will pursue the only rational alternative which the political process has made available to them to protect themselves. However, it is inaccurate to suggest that immigrants are naturalizing to preserve benefits that only small numbers of them actually use. Politicians looking for an easy explanation for high naturalization rates would be better served by listening to immigrants' anger directed at their own rhetoric. They are interested in voting; further delaying the process may have an impact on this November's election, but not on those which follow.

Moreover, those making the accusations that the Clinton Administration's motives in expediting the naturalization process are politically motivated should realize that immigrant communities are not necessarily allied with one party or another. For example, it is difficult to credibly argue that new citizens in cities such as Miami or in Orange County are registering as Democrats. I would counsel elected officials to court new citizens and assist them in becoming active participants in our political system, rather than disparage them.

At the NCLR 1995 Annual Conference held in Dallas, Texas, now-vice presidential candidate Jack Kemp passionately declared that "the unity of our country is not created by whether we are Anglo Saxon or European or Latino or African or Asian or Native American. * * * To be an American is not to be * * * a certain color, but to believe those self-evident truths [of life, liberty, and the pursuit of happiness].

This is the genius of our nation." Let us not allow the sustained anti-immigrant sentiment prevalent throughout this country to continue to divide us even further by inserting it into a dialogue of citizenship. Hispanics, whether we are naturalized or native-born citizens, have always revered the principles of democracy on which this country was founded. We cherish and wholeheartedly accept the responsibilities that come with U.S. citizenship, which includes holding elected officials accountable for their actions.

Senator SIMPSON. Thank you very much.

I would at this point also like to insert into the record the prepared testimony of Lawrence Fuchs of Brandeis University.

[The prepared statement of Mr. Fuchs follows:]

PREPARED STATEMENT OF LAWRENCE H. FUCHS, CO-CHAIR, U.S. COMMISSION ON IMMIGRATION REFORM

In my written testimony, I try to provide a framework for examining the evolution of the essential characteristics of American nationality and citizenship. In the time I have now, I will make a few specific recommendations and general comments on strengthening the meaning of citizenship.

There are usually three qualities that make up a sense of nationhood: a founding myth that explains the origins and purpose of the nation; a compelling narrative that tells a story about the core values that emanate from that myth and the heroes and heroines of that story; and finally, rituals which remind the people of that story, embodying the myth, its values, its heroes and heroines, and symbols.

Founding myths, accounting for the origins of a nation and explaining its destiny, usually are tribal (based on genealogy or blood), as with the Abraham story in the Old Testament (God told Abraham to create a new nation), or the tale of Theseus, the mythical Athenian king who defeated the horrible Minotaur of Crete and united twelve small independent states of Attica, making Athens the capital of the new state. The foundation of Rome was attributed to Romulus, son of Mars, the god of war, who, after having been raised with his brother Remus by a she-wolf, conquered the Sabines and built a new city on the Tiber River on the spot where their lives had been saved. Japan, according to its traditional founding myth, was established because a favorite descendent of the Sun Goddess created the Japanese islands and became the first Emperor, from whom all emperors are descended.

Early in its history, spokesmen for the new American nation explained that the U.S. was created as a nation in which individual liberty, opportunity, and reward for individual achievement would prosper. This powerful new myth provided an ideological rationalization for the selfish interest early settlers had in recruiting European immigrants to claim the land, fight Indians, and later to work in the mines and factories. It became the founding myth of a new political culture, uniting white Americans from different religious and national backgrounds, and later others who were not white, in a sense of shared American nationhood. Belief in the myth motivated Americans to create new political institutions and practices which Alexis de Tocqueville, an early nineteenth century French visitor, saw as encouraging a patriotism that grew "by the exercise of civil rights." What he called the "patriotism of a republic" was based on the premise that it is possible to interest men and women in the welfare of their country by making them participants in its government and by so doing to enlist their enthusiastic loyalty to a national community. Here, the feeling of "we-ness" that is usually based on similar physical characteristics, language, or religion (or a combination of them) was replaced by a belief in the myth itself and the values, heroes and heroines, symbols and rituals revolving around the idea of freedom. It was this civic culture that replaced a more tribal culture as a basis of nationhood and appeared to teach men and women to work together with those "who otherwise would have always lived apart."

The myth and its values were embodied in a narrative, beginning with the American Revolution. The narrative tells of the struggle to enlarge freedom for an increasing number of persons regardless of their national origin, color, or religion. It recalls the Civil War, the Second World War against Nazism, the civil rights revolution of the 1960s and 1970s, the continuing immigrant saga, and the successful defense of freedom and democracy against the Soviet Union and its totalitarian system of government.

This American story about the struggle for freedom—freedom sought, freedom thwarted, freedom won and freedom enlarged—includes oppression, exploitation, and terrible harm against those whom the insiders thought of as outsiders. But the main story line is clear: a long term expansion of freedom—a continual rebirth of freedom (to use Lincoln's words), although often interrupted. That sense of continu-

ing renewal is reflected in part in the slogans of the twentieth century activist presidents, such as "The New Freedom" (Wilson); "The New Deal" (Franklin D. Roosevelt); "The Fair Deal" (Truman); "The New Frontier" (Kennedy); "The Great Society" (Johnson); and "The New Beginning" (Reagan). The American story relies heavily on texts that are often treated as though they are sacred: the Declaration of Independence; the Constitution, and especially its Bill of Rights and Fourteenth Amendment; Lincoln's Gettysburg Address and Second Inaugural Address and Martin Luther King's "I have a dream" speech.

The preamble to the Constitution calls upon Americans to "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. * * *" More than any other nation, Americans have emphasized liberty as its central value. Liberty was grounded in what they called the equality of every person under God, a belief asserted in the Declaration of Independence:

> We hold these truths to be self evident, that all men [and women] are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness.

By emphasizing equal rights in a nation that authorized slavery, the founders introduced a profound moral ambiguity which some argue has not yet been entirely resolved. The idea of equality became as compelling as that of liberty in American political discourse, but its meaning is less clear. Liberty meant freedom from government interference to the founders and still retains essentially that meaning. But what does equality mean? Does it mean social equality, equality under the laws, equality of opportunity, equality of condition—or some combination of them? Equality, in all its many meanings, took on great significance in the rhetoric of public life and social discourse and even in family life in America.

The American narrative is also about the tension between the values of liberty and equality. Much of the debate in American domestic politics is about society's obligation to promote equality of opportunity for those who are born to inherently unequal conditions. Those who are suspicious about public policies that attempt to do that point out that equality of opportunity implies the opportunity to compete with and rise above others and to be rewarded for one's successful efforts. The opposite view holds that without government intervention, equality of opportunity can have little meaning for those born to economically or otherwise disadvantaged circumstances. However many Americans differ in the debate as to how they should promote equality of opportunity, most of them deeply cherish equality of opportunity as an American value.

In recent years, the political debate has focused increasingly on the role of government in providing equality of opportunity through policies that give particular recognition to the claims of members of groups who have suffered (and many say continue to suffer) restricted opportunity because they are women, African-Americans, or members of other designated minority groups. The very fact that disadvantage is presumed to be a condition that inheres in membership in such groups regardless of one's individual circumstances (health, wealth, education of parents, family situation) has given new meaning to the question of the relationship of the *pluribus* to the *unum*. Group membership has become an increasingly powerful way of defining individual identity, and public policies now go beyond equality under the law in recognizing gender, color, and national origin as a basis for what is usually called affirmative action regardless of individual circumstances. In addition, some members of groups designated as disadvantaged claim a status of inherited victimization that deepens their sense of grievance against the political and economic system that they see as dominated by white males. As a result, much of the current debate about multiculturalism revolves around their insistence on having their separateness acknowledged and affirmed in public policy generally, including education. Some, including even white males, reject the idea of a common culture, even a common political culture, as long as members of certain groups cannot show aggregate (group) results in economic, educational, and political attainment equal to that of white males.

Others see in this view of American life a danger to the value of liberty itself. They ask what freedom means if not the freedom to assert one's individuality regardless of inherited group status. What does it mean unless one is free to cross group boundaries regardless of one's color or inherited religion or nationality? What, they ask, will happen under the strains of increasing diversity if those who live, work and vote in this country begin to think of themselves first and foremost as members of separate groups and not as Americans?

My own view is more optimistic than these questions imply. I agree with those who believe that the tension between the claims of the *pluribus* and the requirements of the *unum* can be resolved in a nation that values both liberty and equality, but only if we pay at least as much attention to the requirements of the *unum* as to the histories, sensibilities, and claims of the *pluribus*.

I think that serious scholars of this subject of Americanization are in virtually unanimous agreement that civic virtue and good citizenship in the United States has nothing to do with race or ethnicity, despite the burgeoning claims of polemicists to the contrary. That conclusion is demonstrated overwhelmingly by the evidence during these past 250 years. To argue that whites or Anglo-Americans have been more devoted to principles of liberty and justice for all flies in the face of the facts.

American values are accessible to anyone, regardless of race, religion or ancestral background, precisely because our most important principle is the equal protection of the laws for all, regardless of race, religion or national origin. That is the genius of the system, which must be protected and nourished.

A robust idea of American citizenship depends on a widespread understanding and appreciation and even celebration of the American constitutional system, its symbols and rituals, its heroes and heroines.

I believe there are several things that can be done to encourage that robust sense of citizenship for native-born and naturalized citizens. Here are six of them:

- First, an all-out commitment to the renewal of American civic education in our schools and communities;
- Second, a steady modification and ultimate abandonment of the dangerous notion of group rights as embodied in the harder forms of affirmative action, including abandonment by the year 2010 of the current racial categories in the U.S. census;
- Third, an all-out commitment to use the best pedagogic methods available to make certain that no one graduates from eighth grade without being able to speak, read and write English effectively;
- Fourth, an expanded commitment for English language training for adults who need and want it;
- Fifth, a change in our naturalization oath and naturalization requirements, making the oath simpler and more appropriate, and making the requirements more meaningful;
- Sixth, a stronger commitment than ever to making equality of the laws and equality of opportunity real for the poorest and otherwise most vulnerable of our citizens.

What do I mean by a commitment to civic education? I believe the Secretary of Education should call a conference of state educational leaders to examine the possibility of developing a common core civic curriculum. I don't mean a curriculum just for one particular grade level in a civics course, although that could and should be a part of it. I mean that our schools should teach the essentials of American history and constitutional principles repeatedly at different grade levels in appropriate ways. I also mean that the Pledge of Allegiance should be recited and discussed. What does the goal of liberty and justice for all mean? What do we mean by majority rule and individual rights?

I mean putting the pictures of George Washington, Abraham Lincoln, and Franklin Delano Roosevelt back on the schoolroom walls and teaching how their roles in the Revolution, the Civil War, and World War II relate to the Declaration of Independence, Lincoln's Gettysburg Address, and FDR's Four Freedoms in the American search to expand the meaning of liberty and justice for all.

I mean a curriculum that nourishes civic virtue in action by including community service, as a number of schools now do. I mean a curriculum that encourages all Americans, not just those in the schools, to think about the meaning of Independence Day, Thanksgiving, Memorial Day, and Martin Luther King's birthday. And whatever happened to I am an American Day? Let's bring it back. What a wonderful occasion for naturalization ceremonies, community service, and local competition for young essayists to say what being an American means to them.

Throughout most of American history, Independence Day, July 4th, was the most important national holiday. Different ethnic groups often combined their celebration of American independence and the values of American life in their own particular way. In the 1880s in Worcester, Mass., the Ancient Order of the Hibernians, an Irish nationalist society, held a picnic on July 4th in which the exuberance of the Irish served both as a preservation of Irish customs and a defense of American freedoms. Independence Day in Worcester in the 1890s attracted a large proportion of the Swedish-American population, who began with services at one of eight Swedish Protestant churches and ended at the picnic with patriotic speeches, sometimes in Swedish. All the ethnic groups of Worcester used Independence Day as an oppor-

tunity to express their own ethnic identity even as they celebrated American freedoms.

As new immigrant-ethnic groups claimed an American identity for themselves, a great many Anglo-Saxon Protestants, particularly in New England, thought of Independence Day as their special holiday. When President Ulysses S. Grant and key members of his cabinet joined the centennial celebration of the beginning of the American revolution at Concord and Lexington, Massachusetts, on April 19, 1875, they listened to speeches made only by illustrious Anglo-Americans, including some of the great poets of New England. The master of ceremonies of the festive day in Lexington reminded the audience that all of the foreign heroes at Lexington and Concord had English names.

Then, the Anglo-Americans, especially in New England, thought of themselves as the charter members of the Republic. Americans from other backgrounds were relative newcomers, and persons of color were still treated essentially as outsiders by those who held governmental and economic power, despite the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. With a few years after the centennial, their position as outsiders would be more sharply defined. Blacks in the South would be subjugated, for the most part, to a segregated rural working class—sharecroppers, for the most part. Chinese laborers would be excluded from immigrating to the United States, and an Act was passed in 1887 by the Congress to break up native American Indian lands and assimilate the Indians.

One hundred years later, the bicentennial of the Revolution was celebrated by emphasizing American diversity. That was also true of the centennial of the Statue of Liberty, the bicentennial of the Constitution, and the celebration of the restoration of Ellis Island. Ethnicity had become central to the American story—to the way Americans looked at themselves and presented themselves to the world. On the mall of the nation's capital on July 4th, 1983, the National Symphony was conducted by a Russian refugee, Mstlav Rostropovich, who played the distinctive American music of Jewish-American composers George Gershwin and Aaron Copeland, arias from Porgy and Bess sung by the great American black singer Leontyne Price. "A Lincoln Portrait" was narrated by the black American baseball player Willie Stargell. Newcomer Americans from at least two dozen Asian, African, and Latin American countries tapped and drummed to "The Stars and Stripes Forever," composed by the Portuguese-American John Philip Sousa.

The Fourth of July emphasizes national independence and personal freedom. Thanksgiving, which has become the other major holiday of America's civic culture, also offers an opportunity for celebrating *e pluribus unum.* The theme of Thanksgiving, proclaimed by George Washington in 1789 and again by President Lincoln in 1863 as a national holiday memorializing the 1621 feast of thanks given by Pilgrims (who did not call themselves Pilgrims or wear tall hats or black suits with wide collars or eat turkey) at Plymouth, still retained a more or less religious appreciation of the benefits of freedom and opportunity in the U.S. But in the 1970s and 1980s, Thanksgiving became another occasion for the celebration of ethnic diversity. In 1976, the New York Times told of an Italian family who ate a Thanksgiving dinner as they imagined Columbus might have had. A Russian-American family featured a Russian dessert made from cranberries; a Chinese-American family ate Peking Duck instead of turkey; and an Austrian-American family feasted on braised turkey and white beans. A Boston Globe story in 1985 told of Cambodians, Vietnamese, and Laotians celebrating Thanksgiving at a feast sponsored by the Jewish Vocational Service. There, the refugee families ate fiery nuk chau sauce and cha gio egg rolls along with their roast turkey, cranberry sauce, and pumpkin pie.

By 1986, a writer for the New York Times concluded that "as an American holiday, Thanksgiving's universality must lie in its ability to welcome succeeding generations of immigrants to these shores." She wrote of Haitians, Barbadians, Jamaicans, Panamanians, and Trinidadians sitting down with family members for dinners that merged the culinary traditions of their homeland cultures with those of the more traditional Thanksgiving. "For me," reported one second-generation American of West Indian background, "Thanksgiving is a mixing of the black-American traditions with the Caribbean."

A civic education curriculum does not denigrate ethnic and religious diversity in the United States. Far from it. It honors it and even celebrates it. But it would not permit, as now occurs in many universities and some high schools, the encouragement of ethnocentrism in the name of multiculturalism.

I will skip a discussion on my second point—the question of group rights—since I have written about it extensively elsewhere. Of course, I will answer any questions you have. There has been a tendency in American public discourse to speak of group rights as though they were civil rights. Civil rights apply to individuals. We have

no place in our constitutional system for group rights, except for native American Indians and possibly ethnic Hawaiians, Aleuts, and Eskimos.

The importance of English seems self evident. The more linguistically capable Americans are, the better. But English is a must for anyone to participate substantially in the national political community or to enter the competition for opportunities in a vast continental and global economy. English is an important sign of national identity. My immigrant, orphan, illiterate grandmother could not write English or any other language until the day she died, and she was a magnificent human being who raised eight dedicated, patriotic Americans. But her limited knowledge of English restricted her chances—she never held any job except that of maid—and cut her off from many aspects of American life. We need a national volunteer effort not just to teach children English, as called for by President Clinton, but also to expand English teaching resources for adult immigrants and refugees.

The next recommendation—improving the naturalization test—is one I have not written or testified about before. The present naturalization oath includes archaic language which takes away from its meaning. It reads:

> I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear truth and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform non-combatant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

It is amazing that the oath has held up as long as it has. But surely we can do something about such archaic language as "abjure" and "fidelity to any foreign prince, potentate. * * *" One possibility would be:

> I, (name), take this solemn oath (or "make this solemn affirmation) freely and without mental reservation or purpose of evasion. My allegiance is to the United States of America above any other nation. I promise to support and honor the Constitution and laws of my new country and their principles of liberty and justice for all. I pledge to defend them by force of arms, noncombatant military service, or civilian work of national importance if necessary.

One might suspect that I am in favor of making naturalization easier by recommending a change in language. That is not the case. I want the naturalization oath to be understood. I am concerned about any tendency to reduce further the civic education and English language requirements for naturalization. There is considerable evidence that the naturalization ceremony, when done with dignity, stimulates feelings of patriotic loyalty for newcomer citizens around basic values of liberty and equality of opportunity. Newspaper accounts of naturalization swearing-in ceremonies repeatedly tell of the enthusiasm with which these new citizens embrace them. A Russian Jewish refugee from Kiev, who was one of ninety-seven immigrants from twenty-eight countries sworn in as U.S. citizens at the Monticello home of Thomas Jefferson, told a television reporter after his naturalization ceremony: "I believe the most important thing that brought me to this country is the dream about the future of my kids, to grow them in a free country, to be independent, to be whatever they want. * * * The United States. My land of opportunity." Another immigrant, this one from Vietnam, told a reporter after the same ceremony: "* * * this is the best place * * * this is the best opportunity, in America." In El Paso, Texas, a new Trinidadian-American said: "We feel there are more opportunities here for us and our family. * * *"

Freedom to work and make a living is one of the inducements to become an American citizen. But the speeches made by those who preside over naturalization ceremonies usually stress the importance of other freedoms. At many ceremonies, naturalized citizens are given a copy of the Bill of Rights. And many new citizens respond. A newly naturalized Cuban-American told reporters that becoming an American is the greatest thing "because here we can have what everyone should have, and that means our human rights. In short, freedom."

We need to mobilize volunteer resources to support the naturalization work of the INS. I believe that with presidential leadership, with the cooperation of governors, mayors, civic and service organizations, universities, corporations, and labor unions, we can process naturalization expeditiously without demeaning its significance.

Panels of distinguished Americans from various walks of life can be enlisted as accredited volunteers to participate in managing naturalization ceremonies.

I also believe we should consider requiring a variety of standardized written civics and history tests in English for passing of the naturalization exam. This would cut down the time used in oral interviews and elevate the significance of passing the exam by making standards more uniform. Exceptions could be made for compassionate reasons, as they are now.

I will conclude by saying that if people living in poverty had heard my remarks up to this point, they would be likely to think them utterly irrelevant to their own lives. Jacob Riis examined the relationship of civic virtue and citizenship to poverty in 1902 in his book "The Battle with the Slum." He wrote that where the slum flourishes unchallenged in the cities, "citizen virtue," as he called it, is starved. It is not enough, he wrote that where the slum flourishes unchallenged in the cities, "citizen virtue," as he called it, is starved. It is not enough, he wrote, to repeat that all men are created equal.

So let us remember that citizenship does not flourish in mean streets where unemployment, drive-by shootings and crack cocaine are widespread. Nor is civic virtue helped by a hostile reception to immigrants. It does nothing to cultivate a robust ideal of citizenship to categorically deny safety net welfare benefits to legal immigrants who need them through no fault of their own or of their sponsors. Nor will civic virtue be promoted by the denial of a public school education to the children of illegal aliens, or by the modification of birth right citizenship.

Why do we care so much about citizenship in the U.S.? I think it is because we were the first nation to say that citizenship is not a question of complying with the wishes of the sovereign or a matter of blood. It is entirely voluntary. No government can force it on you or take it away unless you lied to get it. It is a matter of our free will. That revolutionary idea is at the heart of our experiment in self government. We believe that ordinary women and men, regardless of their ancestry, can make a democratic republic work. This is not just an abstract issue: Too much blood has been spilt in order to make this idea a reality to everyone born in this country, regardless of race ancestry, religion, or economic circumstances.

Some of my friends are extremely worried about the fact that our constitutional system permits dual citizenship. I urge them to keep in mind that loyalty cannot be compelled. The loyalty of subjects may be compelled, but not that of totally free citizens. The power to win loyalty in this culture of voluntary citizenship has been demonstrated many times in American history. Witness the extraordinary record of Japanese-Americans in the 442nd regimental combat team in World War II. Note the story of Sergeant Jimmy Lopez, one of the American hostages held by Iran in 1980, who wrote on the wall where he was imprisoned: "Viva el rojo, blanco e azul!" (long live the red, white and blue). Tell your grandchildren the story of Guy Gabaldón a Mexican-American who won the silver star in the Second World War. Raised in East Los Angeles by a Japanese-American family who taught him to speak Japanese fluently, he won the medal for persuading 1,000 Japanese soldiers to surrender during the battle for the island of Saipan.

These stories illustrate the strength of our civic culture. But they do not mean we can be complacent. The civil culture must be nourished. Attention must be paid. And Senator Simpson, you should be congratulated for doing just that.

Senator SIMPSON. Ms. Geyer, in your new book, you describe many undesirable changes in citizenship and its significance and in the naturalization practices. One of the fascinating factors or players in this process has been various U.S. foundations, especially the Ford Foundation. Could you give the subcommittee your thoughts on the role these organizations have played?

Ms. GEYER. Yes, Mr. Chairman. As I got into the research for my book, which I have been working on for about 4 years and I have been doing it in my columns for many years, I was, frankly, surprised by a lot of the things I found, because as you know, I work overseas largely, so I had not studied a lot of the new structures in America so much. It was actually with two of the members of Mr. Yzaguirre's group, Mr. Kamisaki and another gentleman, in the early 1980's, I said, "Well, where are your members," and they said, "Well, we do not have any members." And I said, "Well, where

do you get your money," and they said, "Well, we get it from the Ford Foundation."

I was kind of amazed at this, so I began to look into it and I found that, of course, when the Ford Foundation turned far left in the 1970's, Henry Ford II left the foundation with a very famous letter and enormous amounts of moneys went into the founding of, particularly of MALDEF, one of the Hispanic American lobbies. This is all perfectly legal. There is nothing immoral about it or unethical.

But what is interesting and what Americans do not understand is that MALDEF, completely Ford Foundation-supported, then became the activist advocacy group that fought against every type of immigration control, against English as the primary language of the country, and against what I call the citizenship issues or the "who belongs" issues. They did this through the courts. They bypassed the democratic system. So you have lateral funding to groups who then use the courts to defeat questions that I believe should be decided democratically.

Just one last point, sir. You may say to me, well, but they represent the American Hispanic American community, but they do not. They do not represent them at all. Every single survey and study, including my trips down to the border, particularly the border communities in Texas, shows that 90 percent—upwards of 90 percent—have nothing to do with these groups. They do not like them. They want border controls. They want immigration controls.

And I must say, in my times on the Texas-Mexican border with Hispanic American judges, Border Patrol chiefs, the first two to control the border, to begin to, Guste Lavenia and Sylvester Reyes [phonetic], they are the most patriotic community I have ever seen. So we have here an odd, laterally funded new structure in this country. There are many of them, but this is the one I studied.

Senator SIMPSON. That is very interesting, because I remember Congressman Mazzoli and I finally visited with Frank Thomas of the Ford Foundation years ago and said, "Do you ever give money to the other side on this issue," and he was a bit embarrassed. He was not defensive, but he was embarrassed. And I think they finally coughed up a few thousand bucks for somebody without having the credentials, being that it was almost just open immigration and anyone that was on the other side was racist or bigoted or mean spirited, and that, indeed, was something I personally saw. I think Frank Thomas tried personally to make some changes there because he was startled as we showed him where that money was going and did go.

Dan Stein, as you know, political philosopher Michael Walzer stated that the country should not allow the immigration of individuals unless the country is willing to allow these individuals ultimately to naturalize and become full members of the political community. I understand that to mean not that there should be no reasonable naturalization requirements, but rather that we should not admit anyone if they are unlikely to be able to meet the requirements, because of their own situation or because of circumstances in this country—for example, and these are my examples, the lack of incentive to learn English or legal immigration levels that are so high that immigrants do not assimilate. That is a word that has

been used, and is not politically incorrect, not evil. Barbara Jordan used "assimilate" and "Americanization."

What do you believe should be the relationship between immigration policy and naturalization policy?

Mr. STEIN. Well, I think there is, in a sense, a reciprocity to the two factors. They certainly should be considered as interrelated, that if, as I started out with that old joke, real old, about having to change the educational standards, if it becomes clear that in order to successfully move the new potential citizens through a naturalization process you have to render the naturalization process meaningless, then you have to consider the selection criteria by which you are admitting immigrants.

I think this goes to the overall educational levels of the immigrants. Sure, 100 or 150 years ago we may have needed unskilled or less-educated immigrants for the industrial revolution, but when you are admitting millions, tens of millions of immigrants who are illiterate in any language and are asking them to move up the ladder to citizenship, it is pretty difficult to ask them within 5 years to have a conversant knowledge of the English language.

So I think that, surely, the question of numbers and the educational attainment of those coming in has a bearing on citizenship and the two have to be considered within the context of one another.

Senator SIMPSON. Raul, you and I have batted each other around for 18 years, more or less, less, perhaps. I remember well when your group was not going to allow me to come before them and you said, "Oh, yes, you are," and you and I went at it. Of course, you did not stop them from cheering more for ycu than they did for me, but——[Laughter.]

I remember that very well. It was something that I appreciated because I was able to express myself before your forum when others of your forum did not wish me to do that.

But I have heard you are a man of absolute passion and you give a tremendous emotional tug when you speak. I must say, I did not hear that witness say that Latin Americans were less worthy of becoming immigrants. I thought his point was that he agreed with the various Latin American scholars that certain aspects of traditional Latin American culture, which he said is changing, is not as conducive to economic and political development. Am I wrong on that point?

Mr. YZAGUIRRE. First, let me thank you for your courage in attending our conference and debating me on this issue.

Yes, I think you are wrong. I heard something very different. I heard both explicitly and implicitly the assertion. Why else would you bring up these so-called facts if somehow the implication or the end game was not to say that these are less worthy individuals than others?

Senator SIMPSON. Well, I did not hear that that way. Then when you spoke of a waiting period of four or 5 years, I have been here 18 years and I have never heard that. I know under Alan Nelson, the INS got the waiting period down to 6 months or less for all cities of the U.S. except Los Angeles and Miami, which were down to less than a year. It has gotten bad in the last couple of years because of the unprecedented number and the flood of applications.

So, again, that, I think, is an alarming and an incorrect statistic, at least from my knowledge, cumulative knowledge as being involved with this subcommittee.

Mr. YZAGUIRRE. We would be happy to present testimony backing up my assertion, Senator.

Senator SIMPSON. I remember once you talked about having to carry a card when you were a child, and you and I got into that one. I know of no card that was ever carried by a child in Texas. So I know the power of your passion, but we have to stick with facts. And there is one fact at least that I do not want to ever change in my work here, that I have never spent any time doing political hearings. I have never spent any time as a nativist, bigoted, mean-spirited, racist person, ever. Any type of allusion to that with the conduct of my work would be truly offensive and met with the same kind of emotional passion as you so ably express.

Mr. YZAGUIRRE. I respect that. Again, I stand by my comments.

If I may, Senator, I would like to have an opportunity to respond to some of the earlier comments regarding my organization, if that would be appropriate.

Senator SIMPSON. Oh, yes, but I think I will let Senator Kennedy go ahead and then we will certainly provide time for that, I assure you of that.

Senator KENNEDY. Let me just very briefly, and then we will come to that, say that, Ms. Geyer, you are living in a very different America than I am living in. I see the immigrants who are anxious to embrace American ideals, witness the new citizens in my own State of Massachusetts and across the country.

I see a naturalization process that is improving, though it still needs improvement. The so-called scandals are the exceptions, not the rule. To blow them out of proportion as you do, I think, cheapens the hard work of hundreds of thousands of new citizens to gain their citizenship. I agree that we need to do more to promote citizenship, to promote Americanization, as Barbara Jordan called it, but it is needed across the board, not just in our naturalization policies and programs.

I see an America filled with committed ethnic and religious and community organizations who are dedicated to this country and work every day to help communities and neighborhoods. We heard one not long ago from Lowell, Massachusetts, that is just an outstanding organization. We have one today represented in the Council of La Raza.

And I see an America that is proud of the 1965 Act. The 1965 Act got rid of the national origin quota system that said that if you were from Portugal, there were 128 citizens who could come from Portugal in 1965, 30,000 from Ireland. Why? Because of the national origin quota system. Yet the Asian Pacific triangle let less than 500 citizens come here to be reunited with their families. Why? Because they were from Asia.

What the principal point of the 1965 Act has eliminated, the national origin quota system and eliminated the Asian Pacific triangle and put limitations on countries. Now, we did not know we were going to get into a Vietnam War. We did not know the Korean War, the other kinds of pressures in other parts of the world that

happened to change in terms of the numbers, but I must say to defend the previous position I find to be difficult myself to accept.

I would just say, to the witnesses who say that the naturalization process is more lax today than in the past, there is room, obviously, for the improvement, but, in fact, the process has greater integrity today than it did 4 years ago. The texts are more standardized, less dependent on the individual INS officer.

The atmosphere is more inviting. INS, normally known as an enforcement agency, is working more and more with the community groups. It means that more qualified applicants are likely to pursue the citizenship.

I heard you talk about the criminal background checks. They have been tightened up by the INS. Sure, there were some lapses in the weeks when it was moved from one system to another, but under the old system, the lapses would not even have been discovered.

So the INS, I know, is working now with outside experts to improve the English and civic tests, so we should see improvement next to them. I am not saying that there is not room for improvement, but I thought the general kind of characterization was particularly harsh.

I mention here the article that was in the paper not long ago where they gave the immigration test to high school students out of one State. I will put it in the record.

[The information of Senator Kennedy follows:]

[From the American Teacher, October 1995]

U.S. Students Stumble on Citizenship Test

Millions of youngsters should feel blessed to be born in the United States—particularly since many of them don't understand U.S. institutions well enough to earn citizenship.

That finding comes courtesy of Tacoma, Wash., college instructor Greg Gourley, who recently gave more than 200 high school students in his community the same exam that immigrants take to gain U.S. citizenship. It covers basic—and we mean basic—U.S. history ("Whom did we fight in the Revolutionary War?"), civics ("What is the White House?") and current events ("Who is governor of your state?"). More than 90 percent of real-life applicants for citizenship pass the exam annually, reports Gourley, who teaches citizenship in continuing education classes at Highline Community College in suburban Tacoma. Yet only 50 percent of U.S. high school students Gourley tested scored high enough to qualify for citizenship.

The question high schoolers most frequently missed: "What is the supreme law of the United States?" The answer, of course, is "the Constitution"; but students filled in responses ranging from "The Supreme Court" to the Republican's "Contract with America." Large numbers of students also didn't know that the president is the commander-in-chief, that the first 10 amendments to the Constitution are known as the Bill of Rights, or that there are three independent branches in American government.

Gourley insists that the student test was not intended to be a "slam" against K–12 educaton—rather, it is "an indication that history offerings are not focused" on the major themes in American history. "Low reading levels also are a big part of the problem," he believes. "A lot of kids are just reluctant to do the assigned reading in school."

One bright spot, he noted, was the impact the exam seemed to have on immigrant students in the classes surveyed. "A lot of these kids walked a pretty tough road to get where they are, and many have parents who have actually taken this exam. That made them take it more seriously," Gourley observes.

Senator Kennedy. Half the American high school seniors, U.S. students, stumble on citizenship tests. This comes from using the same test on high school students as the test the immigrants take

to gain U.S. citizenship. Only 50 percent of U.S. high school students tested scored high enough to qualify for citizenship.

If you can believe the question high schoolers most frequently miss, it is, what is the supreme law of the United States? The answer is the Constitution. Students filled in responses ranging from the Supreme Court to, listen to this, the Republicans' Contract With America. [Laughter.]

Senator SIMPSON. That is written in. You wrote that in.

Senator KENNEDY. The point is that there is room, but, I mean, I have to take issue with the general characterization.

Finally, I must say that I have known Frank Thomas for a number of years, the head of Ford. I have listened a lot to him. Frank Thomas was a street person, grew up in Bedford Steyvesant, ran the first Bedford Steyvesant program out there, and the reason he was, he was a street person, went on to the Ford Foundation, funding various groups. But you talk about a grassroots person that has been out in the streets running it, having some sense about it. I am sure there are some grants that he wished that he had not made, but I must say, I find difficulty in letting reference in terms of Frank Thomas go long without a brief comment about the service that he did provide for Ford.

I think the support of grassroots organizations that are moving toward helping and assisting communities to move toward English, you know, we are used to the—in Massachusetts, the Know Nothings controlled the Massachusetts legislature in the 1850's. They proposed that it should take 25 years to become an American citizen. No Catholics could become an American citizen. That was their program.

So we have rattled around with a lot of these issues for a long period of time and certainly they bear the review which I think the chairman has been trying to get. I will not take the time to quote Benjamin Franklin and his view about what some of the challenges were with regard to immigrants and a longer period of time.

Interestingly enough, at the turn of the century, in high schools in my State, they provided 7 months' training with support from the Federal Government to be able to become citizens, provided by the Federal Government to help and assist them to be able to try and sort of deal with that. Now, we have La Raza is trying to provide English training.

So before we start rapping on a lot of the organizations that have been trying to help and assist, which his organization—you may have a difference with the politics of it, and we all can have those kinds, but at least this is an organization that has seen an increased number of immigrants who want to learn English and also trying to do something with these English classes. It would seem to me that it would have been useful to have, with your historic perspective, some recommendations or suggestions about how those things might have been able to be done.

Quite frankly, I would have appreciated that rather than the sort of wholesale condemnation. I do not think that that is a fair assessment and certainly is not consistent with the hearings that we heard before. There were some that pointed up some very legitimate lapses and I thought there were some very good answers on it, I think, that addressed some of those issues.

Let me, because the time is moving on——

Ms. GEYER. May I respond?

Senator KENNEDY. All right.

Ms. GEYER. With all due respect, Senator, in 1965, I have a quote from you in my book—it is in many books, actually—in which you said that the change in national origins would not see millions of illegal immigrants coming into the country. It would not change the essential ethnic mix of the country. All of that was palpably false.

Also, I am not taking on the whole system, but I am saying that we have dumbed down and defined down our system to such an extent that essentially there is no civic training for new Americans today. Also, we are heading toward another amnesty. So people who want to come here legally from all over the world are waiting and not being able to come. I just did want to answer those questions.

Senator KENNEDY. First of all, I supported the last amnesty. If you can find five Members of Congress that are advocating that today in the U.S. Senate, I would hope you would provide it, because——

Ms. GEYER. Well, the people are pouring in, so——

Senator KENNEDY. I am just telling you, you say we are moving toward it. You give me five members of the U.S. Senate that are advocating or have spoken to it. You cannot do it. So rather than establishing the scarecrows out there and measuring response to it, that is just not accurate.

Second, you get me the quote about the illegals. I never said that about the illegals.

Ms. GEYER. It is in my book.

Senator KENNEDY. What I had said, and the principal reason, any fair evaluation of the 1965 Act, was the elimination of the national origin quota system and also putting a cap on different countries, the limitations. Now, I listened to you and Mr. Stein talk about those illiterates that are coming in, millions and millions under the 1965 Act. Do you know who they are? They are members of the families of American citizens. You did not even mention that. What is the principal criteria? It is reunification of families. There is no mention of that.

Mr. STEIN. Senator Kennedy, may I say something about this?

Senator KENNEDY. Yes. This is not really a debate about you or I. You made a comment on it and I will be glad to hear briefly on it.

Mr. STEIN. I am not——

Senator SIMPSON. Just a moment, please. We will stay here until 1 o'clock if we need to to visit and debate this. Senator Kennedy will have his opportunity in the 10-minute round and then there will be responses. I think there needs to be responses. And when Senator Kennedy is through with his questioning, I think each of you who wish to respond to his questions or to his comments can do so, as I would want to do.

Senator KENNEDY. Mr. Chairman, I had intended after I made the comments to recognize what was the request earlier, and that is the statements that have been made about an organization, the representative here, and that he might be able to respond. I would

like to get back to that and then the others can make whatever response that they would want to, if that is appropriate.

Senator SIMPSON. Ted, let me say, too, that I do not know of any fellow Senators who are talking about amnesty, but I do know what those at the march on Washington were saying the other day. They were talking about a second amnesty. That is who is talking about it. They were talking about other things, too, a minimum wage of $7.14. These are the things that have to do with, as I understand it, as it was portrayed—benefits from this country.

Now, all I have ever tried to do is make unnecessary any more Proposition 187s. You talk about being tired, Raul. The people of America are just as tired on the other side, and we do not need Proposition 187s in other States. We do not need them in counties. We do not need them in regions of the United States. So that is where I am coming from.

I am going to give Senator Kennedy some additional time for questions, but if you would direct your questions to the chair. You wish to respond to the comments about the Council of La Raza, is that correct, or was it MALDEF?

Mr. YZAGUIRRE. That is correct.

Senator SIMPSON. Was it MALDEF?

Mr. YZAGUIRRE. I would be happy to respond. I am not in a position to defend MALDEF, but I can assure you that there have been some characterizations——

Senator SIMPSON. If you would please just address that.

Mr. YZAGUIRRE [continuing]. Of my sister organization that are simply false. I would just appreciate if they had an opportunity for them to get something on the record.

But let me respond to a couple of items that you mentioned, Senator. You mentioned my earlier characterization of me having to carry a card in the border of Texas. For the benefit of those who may not understand your reference, I asserted in a previous testimony that when I was a young child in the State of Texas, having been born in this country, having the Saidias [phonetic] came to Texas in the 1740's, before there was a United States or America.

Nevertheless, I had to in a de facto way carry a blue card—not a green card, a blue card—that was a plastic card issued by the State of Texas that certified that I was born in that State. I said my Anglo counterparts who might have only been in the country for the first generation did not have to do so and that is what I was trying to make reference to. Indeed, that did happen, and I thank you for calling attention to it.

There have been some assertions made about the credibility of NCLR, whether or not it represents the Hispanic community. First of all, I would like an opportunity to insert into the record a response by Mr. Kamisaki to the article that was previously referred to. Some of the facts were wrong and I would like an opportunity to clarify that.

[The information of Mr. Yzaguirre follows:]

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF),
Washington, DC, October 29, 1996.

Hon. ALAN K. SIMPSON,
Subcommittee on Immigration,
Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SIMPSON: I would like to take this opportunity to congratulate you on your retirement from the Senate after the many years that we have worked together on issues of immigration reform. You have consistently attempted to keep an open and cooperative working relationship with the full spectrum of participants in the immigration debate, and I appreciate your tireless efforts in addressing vital issues of concern.

It is for this reason however, that I must address, for the record, certain misinformation regarding the Mexican American Legal Defense and Educational Fund, discussed during the recent hearing held on October 22, 1996 by the Subcommittee on Immigration. During the oversight hearing on naturalization policy, several comments were made in the testimony offered by witness Georgie Anne Geyer regarding MALDEF, its mission and integrity.

MALDEFs mission has been to work within the law to protect the civil rights of this nation's Latinos. Our efforts in ligation and legislative advocacy, community and parent leadership programs, focus in the areas of education, employment, immigrants' and language rights, and political access.

Despite Ms. Geyer's attempts to portray MALDEF as an organization that seeks, with other advocacy groups, to "destroy the value of U.S. citizenship," our history speaks for itself. Since its inception, MALDEF has fought vigorously and effectively to uphold and defend the constitutional rights extended to all members of our society. Issues such as access to public education, equal distribution of school resources, safe workplaces and equal job opportunities, and the eradication of discriminatory voting practices have been the mainstay of MALDEFs litigation and advocacy efforts, and serve to protect the democratic principles upon which citizenship is held so valuable. Rather than "demeaning" citizenship, we have worked primarily through the legal system to protect the very ideals cherished by immigrants and native born citizens alike.

Both in litigation and legislative advocacy, our positions over the years have been rooted in a profound consideration of legal, economic, social and political realities. But clearly, our positions have never been based upon the dilution or destruction of fundamental constitutional rights. Ms. Geyer alluded to the notion that groups such as MALDEF support such "undemocratic" ideals as extending amnesty and immigration, noncitizen voting, and the threat of returning land to a mythical conception of Aztlan.

MALDEFs positions regarding immigration and immigrants' rights are not expressed by the simplistic and incorrect conjecture expressed by Ms. Geyer. It is both deceptive and wrong to connect MALDEF to positions we have not supported, as well as positions that are not clearly and accurately stated. To this, while we have voiced our position on a number of complex issues affecting immigration and the rights of immigrants, we have never advocated on behalf of extending federal voting rights to noncitizens or even addressed the issue of reparation.

In addition to MALDEF's litigation and legislative advocacy, we have worked through our community leadership programs throughout the country to educate Latinos about their local public and private policy-making bodies. Over 1,500 Latinos have graduated from the program, and over half have been placed on local, state and national boards and commissions. Through our parent leadership programs, we have empowered parents with the knowledge, skills and experience needed to work within the school system to address the education concerns of their children through increased parental involvement. Despite increasing anti-immigrant sentiment, and contrary to Ms. Geyer's attempted portrayal, MALDEF has worked consistently to unite communities and increase meaningful participation in and contributions to society.

Finally, I object to Ms. Geyer's discussion of MALDEFs funding and support by the Ford Foundation. While MALDEF has, in compliance with all state and federal laws, received funding from both private and public foundations and donations, MALDEF has also supported itself through attorney's fees from successful litigation. Contrary to Ms. Geyer's assertion in her recent book *Americans No More,* MALDEF has never received government funding.[1] MALDEF has at all times kept its records

[1] Geyer, Georgie Ann, *Americans No More, The Death of Citizens,* Atlantic Monthly Press, 1996, at page 214.

open and has survived the closest scrutiny of all administrative and operational matters.

As you recall, I met with you at the beginning of the 104th Congress and requested that you hold hearings to seek ways to promote citizenship. It is unfortunate that MALDEF was not able to explore with you further this timely topic. However, it is more objectionable that, without any apparent nexus, a discussion of MALDEFs funding takes place during a Senate hearing on citizenship and naturalization. More importantly, it defies credibility that such attacks are made in a public forum and on the record, without benefit of a response by the targeted organization. Indeed, if there is any question of disregard of democratic principles, one may pose the question to Ms. Geyer's method of distortion, misrepresentation and innuendo, as a means of meaningful debate.

Sadly, Ms. Geyer's characterization of such "radical" notions as equal protection and constitutional rights were not discussed with the clarity and thoroughness these ideals deserve. While MALDEF has consistently sought to protect the rights of Latinos in the United States, we must all agree that protecting civil and constitutional rights benefits us all. It is to the common goal of democracy that we must all work, rather than continue on the path of destruction that extends from misinformation and divisiveness. I urge the Subcommittee in its future consideration of such important issues, to avoid the political sensitivities of the day in favor of a balanced, open and factual discussion of our respective positions. To this end, I respectfully request that this letter be inserted in the record to provide a more balanced discussion regarding MALDEF.

I wish you continued good health and best of luck in your new endeavors. I am sure you will provide the same dynamic leadership in private life that you have given us these many years in the Senate.

Sincerely,

ANTONIA HERNÁNDEZ,
President and General Counsel.

Mr. YZAGUIRRE. But let me refer you to an article in Hispanic Business Magazine, which is not always one of our greatest supporters, where they asked in an opinion poll which organization represented the Hispanic community the most clearly. Seventy-two percent of the respondents mentioned the National Council of La Raza as the most effective, the most representative organization in the Hispanic community. We serve three million people. We have 210 affiliated organizations.

Now, those are my credentials. You had some other people speaking before this body as making some assertions. I do not know that they can make those kinds of claims representing a group of people.

Let me also respond to, I think, Senator Kennedy's question about English. We are in the business of teaching English to tens of thousands of people. Please understand that there is an intense desire on the part of new immigrants, of Hispanics to learn English, that that is not even open to debate. They are willing to come in at 2 o'clock or 3 o'clock in the morning after being out working all night to stay in line to learn English. There are 50,000 people in a waiting list in L.A. alone waiting to learn English.

If we are truly concerned about English, Americanization, then we ought to be talking about Federal efforts, as Senator Kennedy referred to, that previously were in place to make sure that people who want to learn English indeed have an opportunity to do so.

Senator SIMPSON. I thank you.

Let me ask a question of all of you. The late Barbara Jordan and the U.S. Commission on Immigration Reform which she so capably chaired—we miss her presence so, and would have had a different result in dealing with legal immigration in this last Congress had she lived, because she would have been a force, a very remarkable

force—advocated the "Americanization" of new immigrants. She testified in June 1995 in favor of Americanization as "an essential part of immigration policy, the civic incorporation of newcomers." She later wrote that, "Americanization means becoming part of the polity, becoming one of us. Immigration imposes mutual obligations. Those who choose to come here must embrace the common core of American civic culture."

She also said in her magnificence and that voice—and I remember it well—that she was tired of phrases like African American, Hispanic American, Irish American, Dutch American—that covers me. She was tired of those phrases. She said, "That is not what America is about." I think if anyone else had said that, there would have been quite a turmoil, but because of who said it and her credentials for life in helping others and representing minorities, it was a very powerful statement.

What does this term "Americanization" mean to each of you? Should individuals who are not Americanized be permitted to become citizens and participate in the governance of America? What does the term "Americanization" and "assimilation," what do those terms mean to each of you? If we just start right down there, please.

Ms. GEYER. Just very briefly, Mr. Chairman.

Senator SIMPSON. Briefly.

Ms. GEYER. It is not a very onerous task. It means that the person accepts the general principles of American society, pledges his or her allegiance to that society, pledges to fight in a war, if necessary, to protect it, accepts the jury system, the various rights and privileges of citizenship.

What it does not mean, as I am from the South Side of Chicago where every community had different churches, synagogues, different ethnic celebrations, even languages at home, it does not mean that you do not have multiculturalism at home or in your community or in your church. It means you do not have multiculturalism in quotes, so that on the larger scale of the Nation we are divided down into group rights which will be forever bartering and bickering and destroying this Nation.

Senator SIMPSON. Mr. Stein.

Mr. STEIN. I would like to first say that I have always been very grateful for Georgie Anne Geyer's willingness to take on these delicate questions of how we define race and ethnicity in America, and there is a lot of emotion and group political interests involved and she has taken a lot of heat for it, but I think it has been in the national interest and a good part of the discussion.

I would say that, as I reference on page three, that we need to, as a country—responding to Senator Kennedy's point about high school students, I have grappled with this issue for a while. Should we ask more of new citizens than we can right now successfully ask of high school graduates native born? I finally came to the conclusion that the answer is not only can we, but we should, and the reason that we should is that the naturalization process is part of a mirror by which we define ourselves as a people. It is our primary mirror for introspection in deciding who we are.

And the most important goal of Americanization, I believe, needs to be, as I lay out in these factors, new citizens need to understand

the glory of the American experiment as it fits within an historical context. The origin of our civic bonds and obligations to one another arise in a revolutionary sense from the idea that we are not ruled by a monarch or a dictator but rather that we are ruled as a result of mutual consent and obligations and that those obligations imply duties.

Successful Americanization will inculcate a fundamental understanding for new citizens about why the American experiment is so important to the future success of the human race, and unless that has been inculcated—it is not benefits, it is not necessarily the English language, but it is a sense of what the American experiment means to the world. That is what Americanization means to me.

Senator SIMPSON. Mr. Yzaguirre.

Mr. YZAGUIRRE. Americanization to me means a fundamental belief in the principles that guide this Nation, of democracy, of pluralism, of tolerance. It means that you give people the opportunity, indeed, you obligate them to swear allegiance to a Constitution, a set of principles about how we govern ourselves, and I think that that has been part of our history and something I support enormously and profoundly.

Senator SIMPSON. Senator Kennedy, do you have any further questions or response?

Senator KENNEDY. No. I have no further questions.

Senator SIMPSON. Obviously, a tough one. Senator Kennedy and I try to do it right. He has chaired this committee, subcommittee. I have done it. I just hope that it can always be done in a bipartisan way. It must be done that way and in a way which is not nativist and not mean spirited and not racist and not bigoted, and I hope that we can always talk through these things.

Did each of you get an opportunity to respond to either me or to Senator Kennedy in the way that you might wish in a moment or two that might not fire either one of us up?

Mr. STEIN. I just have one short, brief comment. I interviewed on a show I do Senator McCarthy the other day about the 1965 Act, and I think we can all agree that the 1965 Act played a very important role in American history, an historic role, in removing the national origins quota system. But fundamental fairness to those of us who are looking at the way the system is operating today must suggest that the principal founders and the principal cosponsors of the legislation were not able to fairly predict the long-range consequences that the 1965 Act has brought, both in terms of its long-range impact on U.S. population growth, the chain migration phenomenon, the backlogs that have been created, and the fact that it, in a sense, is transforming American cities and the ethnic basis of society.

The option of discussing those impacts and what it means for the future and whether we should change course always ought to be on the table, and I hope we can do it in a civil way.

Senator SIMPSON. As I conclude my final hearing, I want to tell you that at the first hearing with Senator Kennedy he made a comment about the 1965 Act which was very similar to the one today. So remember that this man to my left, appropriately so——[Laughter.] Was the man who put that bill together, who came here with

my father in 1962. They wonder about the relationship of the Senator and I. My father found him to be a delightful companion. They came into the Senate together in 1962: Millard Simpson of Wyoming and Ted Kennedy of Massachusetts, the boy.

So from that came my knowledge and information and education of the 1965 Act, and it is interesting to hear the conclusion of those years with the same reference. But remember, too, that this Senator was involved in the 1980 Refugee Act and that needs oversight and care and attention. And those things will take place under the continued guidance of the Senator from Massachusetts and able people on my side of the aisle who will guide and nurture him through tragic and treacherous waters.

Enough. That concludes the activities of the subcommittee. I have other questions to submit in writing. I thank my friend from Massachusetts. That will conclude the work of this subcommittee for this session of Congress.

[Whereupon, at 12:30 p.m., the subcommittee was adjourned.]

APPENDIX

ADDITIONAL SUBMISSIONS FOR THE RECORD

OCTOBER 9, 1996

Prepared Written Statement
of
John Nelson Washburn

Semi-retired Attorney and Counsellor at Law, and a former Member, American Immigration Lawyers Association, and Member, Bar of the Supreme Court of the United States, sworn in, April 9, 1962, by Mr. Chief Justice Earl Warren

on

Citizenship USA -- 1840 Style
The Naturalization Fraud at Philadelphia

submitted for the
printed record of

U.S. Senate Judiciary Committee
Subcommittee on Immigration

Hearing

on

"INS Naturalization Practices", held at

10 a.m., October 9, 1996, in
226 Dirksen Senate Office Bldg.

Citizenship USA -- 1840 Style
The Naturalization Fraud at Philadelphia

In revelations contained in the voluminous material that Rosemary Jenks representing the Center for Immigration Studies has submitted for this Hearing today, both INS Commissioner Doris Meissner and INS Executive Associate Commissioner T. Alexander Aleinikoff are shown to have been actively engaged during 1995-1996 in promoting naturalization initiatives of dubious merit under the logo of "Citizenship USA".

Whether huch efforts at promotion are worse than dubious and essentially phoney will depend upon the degree to which they coincide and/or overlap with campaign ploys directed by the White House designed to ensure reelection and a second term for President Bill Clinton and Vice President Al Gore,Jr. If Wall Street Journal staff writers in their piece of Monday, October 21, 1996 correctly identified Doris Meissner's late husband as the immediate U.S. Commerce Department supervisor of the ubiquitous and mysterious John Huang, then"Citizenship USA"could well include major political mischief.

In his lead-off Statement for the present Administration, former University of Michigan Law Professor Aleinikoff has with pride pointed to the INS first year accomplishment of processing some 1.3 million naturalization applications and of producing thereby 1.1 new American citizens "without compromising the integrity of the adjudication". But in so doing he has given himself and his Justice Department INS an escape hatch, framed in the phrase he used - "opportunity for fraud". Yet, lest that phrase draw undue attention, he has submerged it in comments about INS monitoring measures to achieve compliance with certain improved standards.

In order to cut through such cant, I hope to make sure that for these 1.1 million newly-minted American citizens there was no superficial short course provided by INS Adjudicators in testing the required knowledge applicants have of U.S. history and government. To enlighten all concerned, including Commissioner Meissner and Professor Aleinikoff, I submit for publication in the record as an integral part of my prepared written statement four historical items, all dating back to October-November 1840: these items with source noted represent both North and South newspaper coverage (Philadelphia, October 24; Savannah, October 29; Baltimore, October 30; and Baltimore, November 11 - in that order) of a political scandal in 1840 on the eve of a Presidential election held in the State of Pennsylvania.

As the final item of November 11 confirms, this Philadelphia story had, at least for the Whig cause, a happy ending in that the 1836 winning Presidential candidate Martin Van Buren lost in 1840 in the race against his same rival but by the narrowest of margins, viz. 264 votes, in the State of Pennsylvania. To the 16 men comprising the Harrison and Tyler Association Executive Committee for the City and County of Philadelphia belongs much of the credit for proving the truth of the saying, often cited by newspaperman Nathan Sargent later in the 1840s as Washington correspondent for Philadelphia's United States Gazette: "liberty can only be preserved by eternal vigilance". And, added Putney, Vermont native Sargent in that newspaper on July 13, 1846: "Corruption is the worst enemy of liberty, and this assumes as many shapes as Proteus himself....The Evil one himself never resorted to more adroit tricks to gain confidence and deceive than does corruption in a government."

THE NORTH AMERICAN
AND DAILY ADVERTISER.
PHILADELPHIA.
Saturday, October 24, 1840.

ELECTION FRAUDS.

The undersigned, the Executive Committee of the Harrison and Tyler Association for the City and County of Philadelphia, deem it their duty to call the attention of their fellow citizens to the enormous frauds on the right of suffrage at the late election in this and the adjoining districts, and to the modes of prevention which have been and are about to be taken for the future.

The facts now ascertained are, that the records of some of the courts of justice in this city and county, (which are in the custody of officers belonging to the Van Buren party, and known to be active partizans,) have been interpolated, spurious declarations of intention have been pasted in the records, and the name of at least one of the judges has been forged to naturalization certificates; thus putting in circulation naturalization papers as genuine, which are of no validity whatever, being either themselves spurious or founded on spurious declarations. The number of these spurious papers will in a short time be precisely ascertained.

Active measures have been taken by the proper authorities for the detection of those who have been instrumental in these fabrications, and will be faithfully prosecuted until the guilty shall be legally ascertained, and the laws and justice of the country avenged by their exemplary punishment.

The Executive Committee announce to their fellow citizens that they have taken measures to prevent a repetition of such enormities at the Presidential election. Accurate lists of all the naturalization papers recently granted by the courts of this city and county are preparing, and will be furnished to the Inspectors of this and other counties, so that any one offering to vote on papers irregularly or fraudulently issued or obtained will be at once detected.

Every one who has recently obtained his certificate of naturalization can easily ascertain if it be genuine. A little reflection upon the danger, if not certainty, of detection which those will incur who attempt to vote on papers fraudulently obtained, will convince them of the prudence of this precaution, and deter them from offering their suffrage until they have clearly ascertained that they possess the right.

We have reason to believe that the number of fraudulent naturalization papers manufactured in this city within the last few weeks is very numerous, and that they have been circulated not only in the neighboring counties, but in those more distant, especially along the line of the State improvements.

In order to aid in the detection of the originators of these frauds, as well as those who are willing to avail themselves of them to obtain the privilege of voting, we particularly request all who have an interest in preserving the purity of the ballot box, in the different election districts in the State, to take the name and residence of every one who presents himself to vote on naturalization papers purporting to have been issued by any of the courts in Philadelphia within the last three months, the date of the paper, the court from which it issued, the name of the clerk or other officer whose signature shall appear upon it, and to forward a memorandum of all such particulars to us immediately after the closing of the election.

Upon the receipt of this information it will be easy for us to ascertain and bring to condign punishment, as well those who have issued the fraudulent papers, as those who have used them in defiance of the laws.

Philadelphia, October 24, 1840.

Josiah Randall,	Nathan Sargent,
John P. Wetherill,	Alexander Ferguson,
Joseph R. Chandler,	John S. Riddle,
Wm. B. Reed,	Jos. G. Clarkson,
Bela Badger,	Wm. B. Whitecar,
Samuel W. Weer,	Robert Howell,
Chas. A. Repplier,	Henry Mellvaine,
James Gregory,	Wm. P. Blight.

SAVANNAH DAILY REPUBLICAN Thursday, October 29, 1840

The Naturalization fraud at Philadelphia.—The magnitude of the fraud, which is now known and admitted to have been accomplished, at the recent election in Philadelphia city and county, is really calculated to excite astonishment. The Philadelphia Gazette of Wednesday, contains a large mass of names, which are understood to have been fraudulently interpolated in the records of the court, as of persons who had filed their declaration of intention to become citizens *two years ago*—so as to confer on them the privilege of voting. And it is stated in the Philadelphia Sentinel, that no less than *thirty leaves*, containing pretended declarations of aliens, and printed in exact imitation of the genuine, have been interpolated in the Book of Declarations of the Court of Quarter Sessions of that county. The thirty leaves, sixty pages, we presume—of counterfeit Declarations all bear date in 1838, so as to make them two years prior to the elections of the present year. Such a monstrous forgery—such a wholesale fraud upon the rights of the legal voter, is enough to make one shudder—especially when it is known that after the forgery in the record is successfully accomplished, the crime of deliberate perjury must be yet added, to make that of forgery available for the object intended.

Every individual claiming to vote under these forged papers, comprised in sixty pages of the record, must make oath that he had "declared his intentions" *two years* previously; this oath of the party applicant, must be supported by the attestation of a qualified voter, also under oath, that he had resided five years in the United States. Such wholesale forgery and perjury, with a view to corrupt the ballot box, and to carry an election against the will of the legal voters, is truly appalling.

THE SUN.

BALTIMORE, FRIDAY, OCTOBER 30, 1840.

THE PHILADELPHIA NATURALIZATION FRAUDS. By the Philadelphia North American of Thursday, we learn that in the Court of Quarter Sessions on the day before, it was decided by Judges King, Randall and Jones, that the "declarations of intentions," the legality of which had been called in question, had been fraudulently interpolated, and that the name of the recording clerk, in every instance in which it appeared, had been forged. The declarations so interpolated, were by order of the court, vacated.

In the report of the Court of General Sessions, we find the following proceeding of the Grand Jury.

It appeared that the naturalization papers were before the grand jury, who were sent for. They came in with two bills, three presentments, and a "Report" in regard to the naturalization frauds. After perusing the latter, Judge Barton inquired what the grand jury desired should be done with it. They answered that they wished it read in open court; and Thomas Biddle, Esq., one of their number, proceeded accordingly to read it. It was in substance as follows:

That the grand jury had laboriously investigated the subject of the alleged frauds, laid before them by his honor Judge Barton, and submitted several matters for the consideration of the court. They had found great disorders, as they thought, to exist in the practices of the clerks of the Court of General and Quarter Sessions, that no index of the names of those recently naturalized had been made out in either; that when certificates of naturalization were granted, no memorandum was made upon the petition, or elsewhere, to shew that they had been so granted; that the clerks had kept no account of the fees received by them in naturalization cases; that many of the petitions filed were without the signatures of the aliens naturalized, though certificates had been granted on such petitions, and many of them without what most bore, the initials of the respective judges allowing them. They also found that in the General Sessions, under the direction or permission of Judge Doran, the oaths to be administered, according to the Act of Congress, in open Court, had been during at the last three days, shortly before the late election, on which days a very large number had been naturalized, administered by the clerk, or his deputy, outside of the Court Room, in the vestibule, or hall, or in some of the adjoining rooms. These different matters they laid before the Court, that such action as seemed proper might be had in regard to them.

— THE SUN. —

BALTIMORE, WEDNESDAY NOVEMBER 11, 1840.

PENNSYLVANIA.—*Official Returns.*—The following are the official returns of the recent election in Pennsylvania. Their correctness is admitted by papers of both parties in Harrisburg. The entire Harrison electoral ticket, thirty votes, has been chosen.

	1840.		1836.	
Counties.	Har.	V. B.	V. B.	Har.
Adams,	2453	1628	1186	1520
Allegheby,	7620	4573	3074	3623
Armstrong,	1260	1744	1528	1014
Beaver,	3143	1710	1075	2077
Bedford,	2910	2446	1587	1920
Berks,	3582	7425	4967	1584
Bucks,	4705	4488	3081	3289
Bradford,	2631	2844	1462	1521
Butler,	2100	1804	1008	1166
Crawford,	2469	2908	1614	1232
Chester,	5643	4882	3277	3981
Columbia,	1325	2829	1560	544
Cumberland,	2790	2695	1904	1696
Cambria,	811	920	450	554
Centre,	1447	2242	1809	924
Clinton,	637	649	(new county)	
Clearfield,	499	812	499	284
Clarion,	648	1366	(new county)	
Dauphin,	3124	2187	1372	1993
Delaware,	2031	1335	1030	1224
Erie,	3636	2061	1312	2134
Fayette,	2755	3035	2016	1669
Franklin,	3586	2892	2155	2575
Greene,	1350	2010	1138	915
Huntingdon,	3826	2266	1340	2628
Indiana,	1953	1209	692	1169
Jefferson,	476	692	244	229
Juniata,	966	1043	627	596
Luzerne,	2774	4119	2008	1415
Lancaster,	9673	5472	4144	6250
Lebanon,	2369	1402	1168	1487
Lehigh,	2405	2451	1987	1784
Lycoming,	1504	2181	1705	938
Montgomery,	4068	4869	3446	2409
Mercer,	3249	2336	1253	1991
Monroe,	345	1447	796	166
Mifflin,	1226	1269	917	784
Northampton,	2846	3838	2378	1426
Northumberland,	1351	2187	1421	712
Philadelphia co.,	10189	13303	7957	6536
Perry	1072	1970	1107	473
Philadelphia city,	7655	4771	3028	5747
Pike,	135	524	358	42
Potter & Mckean,	180	455	312	145
Somerset,	2501	765	511	1905
Schuylkill,	1881	2184	1380	687
Susquehanna,	1560	2023	1445	856
Tioga,	895	1721	1027	400
Union,	2423	1518	1143	1328
Venango,	855	1275	967	600
Washington,	4147	3611	2445	2905
Wayne,	675	1188	724	340
Warren,	827	929	498	254
Westmoreland,	2778	4704	2878	1725
York	3792	4382	2756	2005
	143,756	143,492	91,475	87,111
	143,492			
Harrison's maj.	264			

OCTOBER 22, 1996

NATIONAL COUNCIL OF LA RAZA (NCLR),
Washington, DC, September 19, 1996.

Editorial Department,
The National Review,
New York, NY.

DEAR EDITORS: I read with exasperation the excerpt from Georgie Ann Geyer's forthcoming book in your September 16th issue. It is an account of an interview she had with me and an associate more than a decade ago. While I strongly disagree with much of the article, I do not challenge her right to express her opinions or yours to print them. I do challenge, however, the accuracy of the "facts" she cites, which cast serious doubt on her credibility as a "journalist." Her account, in which she asserts that another NCLR staff member and I indicated that "we don't have members," and that our financial support came from "The Ford Foundation" is both misleading and inaccurate, on several levels.

First, she omits entirely the context of the conversation, which took place after NCLR had written the producer of Washington Week in Review to complain about her inaccurate statements on that program. She should recall that we specifically challenged her statements regarding the "tens of millions" of undocumented aliens she then alleged were in the U.S. who would be legalized as a result of the pending Simpson-Mazzoli legislation. As Census Bureau and Immigration and Naturalization Service estimates demonstrated at the time, the actual number of such persons in the U.S. was less than 5 million. Indeed, actual experience with the legalization program resulted in fewer than 3 million persons legalized. I'm sorry to say that Ms. Geyer's reporting is no more accurate today than it was at that time.

Second, whether by accident or design, Geyer's article transposed two entirely different parts of the conversation. Indeed I indicated that we do not have individual members, which we do not. She ignores entirely my subsequent explanation regarding our community-based organization membership—which consists of over 200 groups that serve over 2.5 million people per year—to whom we are fully accountable. Irrespective of what her memory may indicate—and I can appreciate how, with the passage of time she might have become confused—I do not understand how she could ignore the written descriptions of the organization which we provided to her at the time and have been and are available upon request since that time. These written materials clearly and unequivocally describe the organization's structure, and should have been reviewed prior to completion of the article.

Third, Geyer's description of our conversation regarding the Ford Foundation omits entirely the context of the discussion, which had to do with the founding of the organization in the late 1960s. Indeed, NCLR's predecessor organization, the Southwest Council of La Raza, was founded in part because of the absence of mediating community-based organizations serving Latinos. She has chosen to ignore the simple factual explanation that U.S. Hispanics, unlike many other ethnic groups, lacked their own institutions—churches, schools and colleges, professional societies, and civic groups. The absence of such institutions was particularly significant at the time, since many of the programs and services supported by the War on Poverty and the civil rights laws pre-supposed their existence. It is, after all, tough to run a Head Start program, or to build low-income housing, without a non-profit sponsor. In this context, supporting the development of regional organizations like the Southwest Council or national organizations like NCLR to establish and develop such mediating institutions made sense then and makes sense now.

Fourth, Geyer's allegation that NCLR is not accountable "to disparate sources of funding" but only to the Ford Foundation is itself contradicted by the data she herself cites. For 1989, for example, Ford Foundation funding ($590,000) amounted to only about 16% of NCLR's revenues ($3.55 million), according to her own figures. Notable by their omission are some of our other funding sources at that time, including the Coors Brewing Company, AT&T, Coca Cola, and other mainstream companies that support our mission and continue to do today. She notes subsequently that Ford Foundation support to NCLR increased to a "whopping" $1.25 million in 1991, but omits the fact that much of that support was for multi-year projects, and the fact that the organization's total budget that fiscal year had grown to over $6 million. I note parenthetically that Ford and other foundation support for NCLR and other Latino organizations was then and is now far smaller than support to comparable organizations serving African Americans, women, persons with disabilities, and so on, in both absolute and relative terms.

Finally, the article recalls in great detail and places a great deal of importance on the "facial expressions, statements, and motivations" on Geyer's meeting with "two young men" from NCLR. Yet I was accompanied in that interview by a female

staff member, Marta M. Escutia, then NCLR's Legislative Director. Ms. Escutia, now a highly-respected Assemblywoman for the State of California, confirms my recollection of this meeting.

There are some Americans who do not believe our society needs either civil rights laws or civil rights organizations. We do not expect their support. An overwhelming majority of the Hispanic community, the general public, and even corporate America believes otherwise.

Given a few careful commissions and storybook flourishes, with a couple of downright inaccuracies thrown in, I suppose that it is entirely possible to paint a persuasive picture of a massive and complex "conspiracy." Once all of the facts are known, it is far simpler and more persuasive to believe that the Ford Foundation and other funders of NCLR—including the 200 affiliates who pay membership dues—support the organization because they believe in its stated mission of reducing poverty and discrimination in the Hispanic community.

It is an axiom of science that the simplest explanations for unknown phenomena, provided they are based on all of the facts, are invariably the most accurate. Such is the case here. Those who believe that the Trilateral Commission runs America, or that the Holocaust never happened, or that the Apollo moon landing was an elaborate hoax, will surely find much comfort in Geyer's article, as is their right in a free society. Fortunately, the rest of us are also free to dismiss her article for the nonsense it is.

Sincerely,

CHARLES KAMASAKI,
Senior Vice President.

PREPARED STATEMENT OF HARRY P. PACHON, PH.D., KENAN PROFESSOR OF POLITICAL STUDIES, PITZER COLLEGE/CLAREMONT GRADUATE SCHOOL, AND PRESIDENT, TOMÁS RIVERA POLICY INSTITUTE

As the U.S. born son of Columbian immigrants, whose father became an American citizen, and whose mother always regretted not being able to pass the naturalization examination, I feel it is a privilege to have the opportunity to submit this testimony on a process that is so key to American democracy and which is so salient to the immigrant community. As members of the Subcommittee know, naturalization is one of the few political processes mentioned both in the Declaration of Independence and the Constitution of the United States. For over 200 years, the requirements for naturalization have remained remarkably steadfast—five years of legal residency, "good" moral character, and knowledge of English/Civics (there are exceptions to the above but the majority of immigrants have to fulfill these requirements before becoming Americans by choice).

There is now much talk among certain segments of the political spectrum that U.S. citizenship has become a devalued commodity, and that the process is so simple that one author has even likened it to joining a health club!

As a social scientist who has spent the better part of the last decade studying the naturalization process I cannot think of anything further from the truth. Before I go on, let me state my qualifications for addressing this issue. I first began studying U.S. citizenship and its relationship to the Hispanic community back in the 1970's. During the 1980's, I convened the first national conference on U.S. citizenship and the Hispanic community in my capacity as Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO). This conference was held in Washington, DC, in 1984. Only fifty individuals attended the event. (Conference proceedings are available through the Library of Congress.) At that time I realized that naturalization was a process that was largely a mystery to the immigrant community. While the requirements for naturalization (residency, knowledge of English and civics) were apparently straightforward, the actual process was the subject of anecdote and impressionistic evidence (which to some degree is still true today).

Let me cite some examples. What knowledge was required to pass the civics exam? Was it true that some Immigration and Naturalization examiners would ask such questions as "How many Pilgrims landed at Plymouth Rock?" or "Name the order that the colonies entered the union?" Why was there a perception in the immigrant community that the naturalization process was fraught with difficulty while the INS claimed that only 1% of the applicants ever failed the process? Why were the forms so complex?

These and other questions occupied an applied action research project that was funded by major foundations for over two million dollars and which I conducted for over six years to ascertain the answers. My efforts during this time period included:

commissioning an administrative study of the naturalization process (The Long Grey Welcome by David North, NALEO Education Fund, 1988); commissioning an ethnographic study of fifty case histories of immigrants who are citizens (see International Mitigation Review, 1986); and conducting the first national survey of Latino immigrant attitudes towards U.S. citizenship (see New Americans by Choice by Harry Pachon and Louis Desipio, Westview Press, 1994). I also engaged in direct field work with the immigrant community including directing the NALEO Educational Fund to establish the first national U.S. citizenship hotline which in the first years of operation received several hundred thousand calls, and directing NALEO Educational Fund staff to experiment and finally implement U.S. citizenship workshops.

From each of these projects I developed the following insights into the naturalization process.

- Administrative analysis revealed that INS official definition of failure did not include applications filled out incorrectly; nor did it include applicants who "withdrew" their applications after having failed the civics or English component of the exam. If these two factors are taken into consideration between twenty to thirty percent of all naturalization applicants fail the first time they apply.
- The ethnographic study of 50 case histories of Latino immigrants revealed that the decision to become an American citizen was based on the same factors that have made millions of Europeans new Americans—attachment and loyalty to this country and a desire to participate in the democratic process.
- The hotline we established showed that there was a yearning in the immigrant community for information on naturalization. The first day after we opened the hotline over 8,000 immigrants called and flooded the operators with information requests. Note that this was in 1986 not 1996.
- The citizenship workshops demonstrated that there are efficient and low cost ways for immigrants to surmount the paper frontier that exists. High school and college student volunteers can provide invaluable assistance to immigrants in filling out the naturalization forms.
- The first national survey revealed that two out of three Latino immigrants wanted to become American citizens but only 1 out of 4 succeeded in doing so.

These insights were developed as a result of this project and I take pride in not having received any funding from Federal, State, or local public funds to carry out this research.

It is in this context that we now have to examine the current naturalization process in the 1990's. Forms have been simplified, but are still difficult for an immigrant to complete. The exam questions have now been standardized and several private companies now offer exams that are based on standardized questions. In my opinion, the naturalization pamphlets that INS produces are a vast improvement over what they had in the past but could still be improved. The one area where the potential for administrative discretion abuse exists on the part of the INS examiner is the English fluency test. Too many disturbing reports on complex English being used to ascertain English fluency still episodically appear.

Yet overall the process has been improved and this explains to some degree why so many immigrants have been successful in negotiating the INS bureaucracy. However, INS administrative improvements or Citizenship USA is not the reason why so many immigrants are becoming citizens. The causes of this wave of new Americans are many.

One of the most important reasons is that of the 3 million undocumented immigrants who became legal permanent residents in the 1980's under the Immigration Reform and Control Act, a vast majority became eligible for U.S. citizenship these past two years. A large number of these immigrants have been living in the United States since before 1982. That makes 14 years of residency in this country. It takes 13–15 years for a typical Latino immigrant to seek naturalization. INS has known about the potential wave of new applicants for the past six years. Unfortunately, neither Congress nor the administration adequately planned to meet it.

Another reason is the current INS policy of having legal permanent residents renew their green cards. Since it costs approximately the same to renew a green card as it does to apply for citizenship, many immigrants are considering whether they should remain legal permanent residents or seek citizenship.

To many immigrants, legal permanent residency in the 90's doesn't seem to offer the legal protections U.S. citizenship is thought to provide. A 1994 California statewide poll of Latinos revealed for example, that 25 percent personally feared discrimination or violence. U.S. citizenship and an American passport are seen as security blankets against anti-immigrant bashing.

All of these reasons, together with this Congress's decision to restrict welfare benefits to legal permanent residents have come together to increase the wave of naturalizations that this country is experiencing.

Does this mean that the naturalization process has been cheapened or that immigrants are becoming American citizens for different reasons than yesteryear? I would argue strongly against this position. Let us remember that in the 19th and early 20th century naturalization was carried out by East Coast political machines that were naturalizing immigrants literally "fresh off the boat." Tammany Hall, according to political scientist Steve Erie, naturalized 70,000 Irish immigrants in two years in the late 1860's. I guarantee that these immigrants did not fill out the complex forms of today, or had their fingerprints checked or passed a citizenship exam. More recently, in the 1920's and 1930's political commentators were concerned about Eastern European and Mediterranean immigrants becoming U.S. citizens. After all, the critics argued, these were the same immigrants that came from authoritarian or peasant backgrounds. The opponents of naturalization in the 1920's and 1930's sound remarkably like the opponents of naturalization today.

I would argue that the concerns being articulated today about our newest Americans by elements of the conservative right are not based on any hard evidence. Let me go over some of the assertions that are currently being circulated about the Hispanic community (the group that comprises one of the largest segments of the newly naturalized Americans) and contrast them with the facts.

Assertion #1: Latino immigrants retain their native language much longer than European immigrants did at the turn of the century.

Facts: Since Latino communities are composed of both native born and recently arrived immigrants outside observers tend to confuse the two. Specifically, outside observers who look at a barrio in east Los Angeles or Spanish Harlem see a profusion of both written and spoken Spanish. The conclusion from the observation? Latinos don't want to learn English and are somehow separatists from the rest of American society. I submit to you that if you were to take a time machine and go back to the turn of the century in the immigrant ghettos of New York, Baltimore, or Chicago, you would have seen the same foreign language signs. Yet instead of Spanish these signs would have been in Italian, Russian and German. The facts show a different picture. English language acquisition among Hispanic immigrants is roughly the same as those of our other immigrant groups. Let me give you some specifics on this issue. Among Mexican Americans born in this country 94% are English proficient; among the foreign born only 51% are English proficient. Even among the immigrants the facts paint a different picture. One out of every three Latino immigrants—mind you, these are immigrants, not native born—are monolingual in English! How can this be? We forget that many of our legal immigrants come over as children and although they speak Spanish in the home they speak English in school and at work. As time goes on they gradually lose their proficiency in their "native" language and come to rely on their acquired language. The other two thirds of the immigrants surveyed listed their language proficiencies in the following ways: 1/3 were monolingual in Spanish and 21/3 were bilingual.

Assertion #2: New Latino citizens have dual allegiances to this nation and to their home country.

Facts: On this point, Latino allegiance to this country has been proven over and over again by their all paying the steepest price any community can pay—in blood. From the New Mexican national guard defenders at Corregidor in World War II—to the 1:12 Marines in the Persian Gulf, you will find that Latinos have been an integral part of our armed forces for the better part of this century. If one visits the Pentagon and stops by the Hall of Heros, there is a painting that commemorates the 38 Medal of Honor winners of Hispanic origin—more Medal of Honor winners than any ethnic group in America today. Or when one visits the Vietnam memorial one can't help but notice the numbers of Perezes, Garcias, Guerras and Martinez's that are listed on the wall. Thus the assertions that Latino new citizens are somewhat suspect as compared to previous immigrant groups are refuted by the facts. Moreover the criticisms of Latino immigrants today are eerily similar to the same criticisms that Southern and European immigrants received at the turn of the century.

If Latino and other immigrants are becoming the latest chapter in our history of incorporating immigrants into new Americans, what recommendations would I make for the naturalization process?

• *Recommendation #1:* Instead of exclusively focusing on cognitive knowledge of American history and civics, e.g., "Who was the first President of the United States?" or "How many branches of government are there?", the exam should also include questions on the importance of democratic participation. For example, "Why should you vote in elections?" It would be critical, however, to include these topics

in the preparatory material for the exam and that these questions be standardized and not be subject to administrative discretion abuse on the part of INS examiners.

• *Recommendation #2:* Naturalization material and information should be included as part of the package visa applicants receive when acquiring their legal permanent resident status.

• *Recommendation #3:* The INS should report annually to Congress the numbers and percentage of immigrants who are turned away by not filling out the form correctly or not passing the Civics/English exam. Beginning in the second year of this annual reporting INS should report what percentage and numbers of individuals in this category have reapplied or have become "discouraged Americans."

• *Recommendation #4:* Congress should reinstate the pre-1980 procedure of having members of Congress send letters of congratulations to new Americans. This process was eliminated in the early 1980s and should be again in place.

• *Recommendation #5:* The English language component of the INS exam should be standardized and normed at an appropriate level for the immigrant community. Clear standards should be set for INS officials who administer this examination.

• *Recommendation #6:* Since legal permanent residents now constitute a population of over ten million in the nation, (if gathered together they would constitute the 14th largest state) the nation should recommit itself to the process of celebrating the naturalization process through a series of public recognitions of what naturalized Americans have contributed to this nation. From Albert Einstein to Arnold Schwarzenegger the impact of naturalized Americans has been great. The post office, for example, should run a commemorative stamp series on Americans by choice; and national citizenship day (September 14th) should be highlighted.

• *Recommendaton #7:* A bipartisan commission, composed of an equal number of members chosen by the executive committee and Congress, should be established to examine the naturalization policies of other nations and how the U.S. could improve its own naturalization program. This commission could report its finding in the Year 2000 and establish and groundwork for naturalization in the 21st century.

Members of the Committee, I began this testimony by stating what a privilege I consider this opportunity. I stand ready to provide any further information the Committee may desire. Thank you.

HARRY P. PACHON, PRESIDENT, THE TOMÁS RIVERA POLICY INSTITUTE

Harry P. Pachon brings to the Tomás Rivera Policy Institute (TRPI) a unique combination of scholarly, public policy, and nonprofit leadership experience. As president of the TRPI since 1993, Dr. Pachon guides the policy research agenda to assure that the Institute's work has direct impact on policies affecting the Latino community. Under Dr. Pachon's leadership, the TRPI has received national recognition for its work in the fields of immigration policy, information technology, civic and social research on the Hispanic community and the role that Latinos are playing in the area of Western Hemispheric integration. Previous to his position with TRPI, Dr. Pachon was one of the founding board members of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. He served as the Fund's Executive director for ten years where he initiated a nationally acclaimed U.S. citizenship project that is now replicated on a multi-ethnic basis across several major U.S. cities.

Dr. Pachon received his undergraduate and Master's degree from California State University at Los Angeles. He received his doctorate from the Claremont Graduate School. Dr. Pachon has been awarded postdoctoral grants from the National Association of Schools of Public Affairs and Administration and the National Endowment for the Humanities.

Dr. Pachon combines extensive experience in governmental work. He served as a Policy Analyst for the U.S. Department of Health, Education, and Welfare and as an Associate Staff member of the Appropriations Committee of the U.S. House of Representatives. He has served as an Expert Consultant to the U.S. Agency for International Development and the U.S. Department of Health and Human Services.

Academic positions that Dr. Pachon has held include positions at Michigan State University and City University of New York (tenured). He is currently Kenan Professor of Political Studies at Pitzer College and The Claremont Graduate School. He has numerous publications in professional journals, and has co-authored the books "Mexican Americans," "Hispanics in the United States," and "New Americans By Choice." He has been the recipient of Ford, Carnegie, Mellon, and Rockefeller Foundation research grants, as well as a research award from the prestigious Social Science Research Council.

Dr. Pachon serves as a board member of Rebuild L.A. and as a member of the Council on Foreign Relations. He is currently Chairman of the Board of the NALEO Educational Fund.

CEO POLICY BRIEF

October 1996

Citizenship for Granted

How the INS Devalues Naturalization Testing

by John J. Miller and William James Muldoon

Executive Summary

Immigrants must meet a variety of requirements before they can become American citizens. One of the most important is a test on U.S. history and government. All citizenship applicants must pass this test in order to naturalize. The exams are not meant to be difficult. But neither are they meant to be haphazard or meaningless. Unfortunately, the Immigration and Naturalization Service currently threatens to make them both.

Because record numbers of immigrants are applying for citizenship, the INS is under mounting pressure to process the applications of more people. As a result, the agency has unwisely begun to consider time-saving reforms that would effectively dumb-down naturalization testing.

To make matters worse, testing procedures vary widely from district to district. It is possible for the same immigrant to pass a test in one district but fail it in another. This is the direct result of the INS's practice of letting each district create its own testing rules and failing to make even a minimal effort to oversee the administration of these exams. INS headquarters in Washington is willfully ignorant as to how its 33 district offices handle testing.

The Center for Equal Opportunity surveyed each of the INS's districts to learn about how they test citizenship applicants. This Policy Brief reports the findings of the survey and highlights the sometimes dramatic differences in district testing procedures as well as the appalling lack of oversight from Washington, D.C. Only a set of national standards will inoculate the naturalization process against diminished requirements and make the actual administration of citizenship tests more uniform across the country.

JOHN J. MILLER IS VICE PRESIDENT OF THE CENTER FOR EQUAL OPPORTUNITY.

WILLIAM JAMES MULDOON IS AN ASHBROOK SCHOLAR AT ASHLAND UNIVERSITY AND A POLICY ANALYST WITH THE CENTER FOR EQUAL OPPORTUNITY.

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Introduction

The Immigration and Naturalization Service recently has come under intense scrutiny for its practice of allowing private contractors to conduct the U.S. history and government exams that naturalization applicants must pass in order to gain citizenship. During Congressional hearings on this issue, Rep. Mark Edward Souder (R-Ind.) said that lax INS oversight has led to "serious instances of testing fraud in the citizenship process."[1]

These tests on U.S. history and government are a cornerstone of the naturalization process. Any corruption in their administration must be rooted out. In focusing its attention on private contractors, however, Congress only touches a minority of naturalization test-takers. There are, in fact, many problems with the tests given in INS offices themselves.

Why Is Naturalization Important?

As a nation of immigrants, the United States confronts a unique dilemma surrounding national unity.[2] Perhaps Alexis de Tocqueville put the problem best in his book *Democracy in America*. "How does it happen that in the United States, where the inhabitants have only recently immigrated to the land which they now occupy ... where, in short, the instinctive love of country can scarcely exist; how does it happen that everyone takes as zealous an interest in the affairs of his township, his country, and the whole state as if they were his own?" asked Tocqueville. His answer: The United States "make[s] them partakers in the government" by allowing them to assume a set of political rights.[3]

In other words, the United States gradually draws immigrants into civil society. When they are ready, they can gain the citizenship that makes them full and equal members of the American community. They do this through the naturalization process.

But how to know when they are ready? The founders were deeply concerned about the possibility of accepting immigrants who would not assume the mantle of self-government. "Among other instances, it is known that hardly anything contributed more to the downfall of Rome than her precipitate communication of the privileges of citizenship to the inhabitants of Italy at large," wrote Alexander Hamilton in 1802. "And how terribly was Syracuse scourged by perpetual seditions, when, after the overthrow of the tyrants, a great number of foreigners were suddenly admitted to the rights of citizenship."[4]

In order to avoid these problems—and make sure immigrants are prepared for citizenship—the United States has constructed a battery of requirements that all naturalization applicants must meet.

- **Five years of residency:** Applicants must have lived legally in or under the jurisdiction of the United States for a minimum of five years to apply for naturalization.

- **Criminal background check:** Applicants for naturalization must have "good moral character." For practical purposes, this means they cannot have been convicted of committing a major crime. The FBI conducts a background check of all naturalization applicants. A felony conviction while residing in the United States almost always leads to the immediate loss of citizenship eligibility.
- **English ability:** Applicants must be able to speak, read, and write "simple English," which is typically interpreted to require third-grade abilities. Persons who are at least 50 years old and have been living in the United States for at least 20 years are exempted from this requirement in what is popularly known as the "50/20" rule. There also is a "55/15" age/residency rule. These exempted applicants are allowed to take their U.S. history and government exam in their native tongue.
- **U.S. history and government exam:** This examination is meant to ensure that all applicants for citizenship have a basic understanding of American history and the principles that are at the root of our government.

There are a handful of other requirements, but these four are the most significant. And they lead to a fifth crucial requirement immigrants must meet as they pass through the threshold from resident alien to American citizen: the Oath of Allegiance, in which they forsake foreign allegiances and swear devotion to the U.S. Constitution in a formal ceremony.[5]

The Rush to Citizenship

If naturalization has been important to assimilation throughout American history, it is especially important today. More than 20 million foreign-born people currently live in the United States. They accounted for 8.4 percent of the total population in 1994, according to the Census Bureau.[6] As more immigrants arrive on American shores, the foreign-born share of the population is bound to increase. Naturalization is one of the keys to keeping the United States dedicated to the maxim of *E pluribus unum*.

During the 1990s, the number of immigrants applying for citizenship skyrocketed. In 1996, an estimated 1.2 million immigrants will seek to become citizens, up from an annual average of just 230,000 during the 1980s.[7] (See Figure 1.) There are several ways to explain this sudden increase, such as legislative efforts to deny public assistance to non-citizens, changes in Mexican property rights laws, and an expanding pool of people eligible for naturalization.[8]

Whatever the reason, this rush to citizenship has created a huge backlog of applicants. In some INS districts, immigrants can wait for more than a year between the time they file their citizenship applications and the moment they

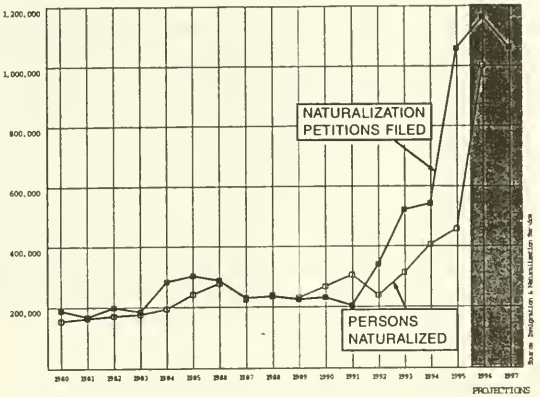

Figure 1: Naturalization Requests, Citizenship Granted, 1980-today. After remaining fairly constant throughout the 1980s, applications for U.S. citizenship skyrocketed in the 1990s.

actually sit down in an INS office for their formal interviews. In Miami, this lag can last as long as 480 days. Waits of up to 12 months are common in Detroit, Los Angeles, and San Francisco. On top of that, the time lapse between the naturalization interview and the actual swearing-in is often several months.[9]

To reduce the backlog, the INS has channeled additional resources to its naturalization efforts. It also has tried to streamline the naturalization process. Unfortunately, the agency has devoted an undue amount of attention to watering-down the testing requirements. The INS now appears to view the U.S. history and government test as an obstacle in the way of serving more people, as opposed to a necessary standard that all must meet. INS Commissioner Doris Meissner has even suggested eliminating the mandatory personal interview at which naturalization applicants currently take their history and government exam.[10] Another proposal currrenlty under INS consieration would exempt entire classes of people from having to take the history and government exam. These would include anybody with a U.S. high-school diploma as well as anyone who has completed a course in American history or political science at any U.S. college, university, or "INS approved facility."[11]

One of the most significant threats to the integrity of naturalization exams involves the contract testing that became the subject of combative Congressional hearings in September 1996. Six INS-approved testing services now offer examinations to naturalization applicants. For a fee, these

groups will test immigrants on their knowledge of U.S. history and government. If the test-takers pass, they receive a waiver exempting them from the exam requirement when they have their interview with an INS official. Although sound in theory, this program has become rife with corruption. Many of the main contractors work with sub-contractors whose ranks include advocacy organizations. Allegations of cheating are widespread and have been documented.[12] Privatization and decentralization typically offer reliable strategies for coping with public problems, but the INS has done an extremely poor job of monitoring this program. Although the majority of contractors and sub-contractors are honest providers, the scandalous dealings of some jeopardize the entire process.

Perhaps the most significant threat of all, however, comes neither from programmatic changes to the naturalization process nor from contract testing. Rather, it emerges from within, as INS offices cut corners to reduce the backlog of citizenship applicants. To see how this can happen, it is first necessary to understand how naturalization testing works.

How the Tests Work—and How They Don't

Naturalization applicants generally take their U.S. history and government exams when they appear for their formal interview at an INS office. In addition to taking this test during the interview, applicants will work with an INS officer to make sure their paperwork is in order; demonstrate their ability to speak, read, write and understand English; and answer any questions the officer asks them. Most interviews are completed in 10 to 15 minutes.

The U.S. history and government tests are all of a type, their content drawn from a series of short books published by the INS.[13] The questions are simple enough: "Who was the first president of the United States?" "Why do we have a holiday on the 4th of July?" "Who makes the laws in the United States?" They may also ask applicants to name current officeholders, such as governors or senators. (For a more complete view of the kinds of questions that appear on the test, see Appendix II.)

The questions may have several possible answers. If a test asks, "Who was Abraham Lincoln?", an INS examiner will accept any of these possible answers: the 16th president, author of the Emancipation Proclamation, author of the Gettysburg Address, the president during the Civil War, the president who freed the slaves, etc. Some of the questions on the test can be tricky. If asked "Who elects the president?", most Americans probably would say "the people." The correct answer, however, is the electoral college. If asked "Which countries were our enemies during World War II?", the response must include Italy as well as Germany and Japan. Identifying each of the 13 original colonies and naming the chief justice of the Supreme Court are two more examples of questions beyond the reach of

many native-born Americans. A thoroughly prepared citizenship applicant will know, among other things, the origin of the flag and its meaning, the reasons why we celebrate certain national holidays, the responsibilities of each of the three branches of government, the terms of office for the president and members of Congress, and a series of important names and dates.

Immigrant-rights groups regularly complain that the U.S. history and government exams are too difficult. At a recent symposium sponsored by Georgetown Law School, one activist told the story of an elderly Chinese immigrant who allegedly committed suicide because she found the U.S. history and government exam too difficult.[14] Even if this tale is true, it is hardly typical. Despite this, self-proclaimed immigrant advocates often talk about people being asked obscure questions regarding the capital of North Dakota, President Millard Fillmore, or the 12th Amendment. Granted, immigrants themselves have generated fables surrounding the tests. Yet these tales must take their place beside other urban myths, such as the one about alligators living in the city sewer system, because that is what they are—myths. Advocacy organizations that speak in such terms simply would like to do away with the testing entirely because they want as little as possible to stand between immigrants and citizenship. These groups refuse to accept even the modest standards already in place. They would prefer none at all. Their vocal presence serves only to encourage the INS in the sloppy way it currently handles naturalization testing.

In reality, only five to ten percent of citizenship applicants fail. This is, of course, a self-selected group. Applicants would not take the test if they thought they were not going to pass. But the low percentages also speak against the ridiculous claim that the tests are extraordinarily difficulty.

District Testing Procedures

The INS gives each of its 33 districts an enormous amount of leeway in how they administer their U.S. history and government tests. They may be oral, written, or both. Figure 3, based on CEO's survey, shows the dramatic variation that can occur from district to district. Because of arbitrary differences in the administration of history and government tests among the districts, an immigrant who passes an exam in Boston might also fail an exam in San Antonio. This is a violation of current law, which says that naturalization requirements "shall be uniform throughout the United States."[15]

Here are three examples of how the testing varies:

- **Arlington, Va.** Applicants are asked 12 questions, of which they must answer seven correctly (58 percent). These questions can be asked in either oral or written form.
- **Atlanta, Ga.** Applicants face up to 100 oral questions. There is no minimum score needed to pass. Passing an applicant is at the discretion of the INS officer giving the test.

Miami, Fla. Applicants must score seven out of 10 (70 percent) on an oral examination. This is perhaps the single most popular form of the test, also used in Denver; Honolulu; Newark, N.J.; Portland, Ore.; and San Antonio.

Given these differences, it seems clear that not every citizenship applicant will have to meet the same standards. Applicants in Atlanta are at the total mercy of the INS officers who conduct their interviews. These officers may demand an unreasonably high level of knowledge. The more likely scenario, however, is that the officers will demand almost nothing at all.

Indeed, with the current rush to citizenship and the INS confronting enormous public pressure to process naturalization applicants quickly, citizenship standards appear particularly vulnerable to a massive dumbing-down. Agents regularly hint that their superiors are more interested in meeting a numbers-driven goal than in making sure every naturalization applicant receives an appropriate assessment. "We have about 15 minutes for each interview," noted an INS officer based in Arlington, Va. "If I want to

Figure 2: Map of INS Districts. Each of the INS's 33 district offices determines its own naturalization testing procedures.[16]

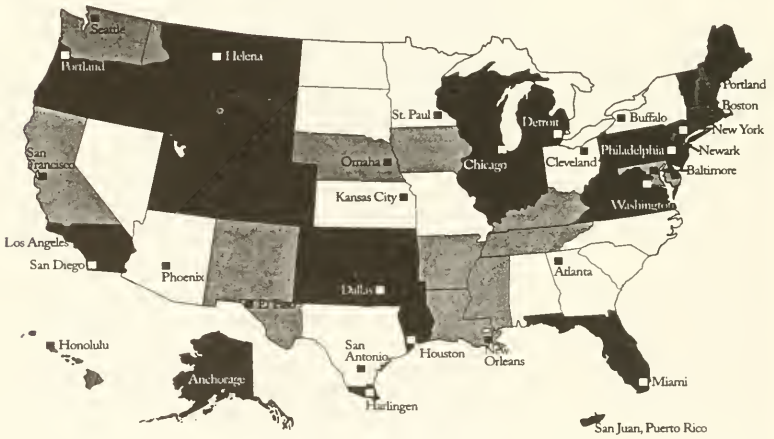

Figure 3: Survey of District Offices Naturalization testing procedures vary dramatically from district to district. In addition, most districts report that their testing is not subject to any oversight.

INS OFFICE LOCATION	NUMBER OF QUESTIONS	TEST FORMAT	% REQUIRED TO PASS	FAILURE RATE	FEDERAL OVERSIGHT
Anchorage, AK	10	Oral & Written	70%	Unknown	No
Arlington, VA	12	Oral & Written	58%	Unknown	No
Atlanta, GA	<100	Oral	Varies	5%	No
Baltimore, MD	10	Oral	Varies	5-7%	No
Boston, MA	Varies	Varies	Varies	5%	No
Buffalo, NY	Varies	Oral & Written	70%	Unknown	No
Chicago, IL	10	Written	60%	6-10%	No
Cleveland, OH	Varies	Oral	Varies	Unknown	No
Dallas, TX	Varies	Oral	60%	5-10%	No
Denver, CO	10	Oral	70%	8-10%	Yes
Detroit, MI	10	Oral & Written	70%	5-10%	No
El Paso, TX	Varies	Varies	Varies	5-10%	No
Harlingen, TX	10	Oral	70%	5%	No
Helena, MT	10	Oral & Written	70%	5-10%	No
Honolulu, HI	10	Oral	70%	5-10%	No
Houston, TX	10	Oral	Varies	5-10%	No
Kansas City, MO	10	Oral	65-70%	5-10%	No
Los Angeles, CA	10	Oral	65-70%	5-10%	No
Miami, FL	10	Oral	70%	5-10%	No
New Orleans, LA	Varies	Written	Varies	Unknown	No
New York, NY	Varies	Oral	70%	5-10%	No
Newark, NJ	10	Oral	70%	5-10%	No
Omaha, NE	Varies	Oral & Written	Varies	8-10%	No
Philadelphia, PA	Varies	Oral	70%	10%	No
Phoenix, AZ	10	Oral & Written	60%	Unknown	Yes
Portland, ME	Varies	Oral	Varies	Unknown	Yes
Portland, OR	10	Oral	70%	5-10%	No
San Antonio, TX	10	Oral	70%	5-10%	No
San Diego, CA	10	Oral	Varies	Unknown	No
San Francisco, CA	5-12	Oral	60-70%	5-8%	Yes
San Juan, PR	Varies	Varies	Varies	10-15%	Yes
Seattle, WA	16	Oral	50%	5-10%	No
St. Paul, MN	Varies	Oral & Written	70%	10%	Yes

take a little extra time to check something, it really backs things up. We're always behind, even if things go smoothly. I usually skip my lunch hour just to catch up. You can guess what you want about the INS giving us so many appointments and so little time."[17]

A stunning loophole in the INS procedural manual shows just how subjective the history and government examination can become: "In choosing the subject matters, in phrasing questions and in evaluating responses, due consideration shall be given to the applicant's education, background, age, length of residence in the United States, opportunities available and efforts made to acquire the requisite knowledge, and any other elements or factors relevant to an appraisal of the adequacy of the applicant's knowledge and understanding."[17] In other words, the INS permits completely arbitrary testing. Robert Bowles, assistant district director for examinations in Puerto Rico, confirms that this loophole comes into regular use in his office: "We try to administer the test in line with the applicant's capacity. It all depends on the applicant's capacity."

The INS district office in Boston allows for widespread abuse of this loophole: "There is no specific naturalization test. It is at the test administrator's discretion to ask as many questions as he feels are necessary, or none," said Karen Haydn, assistant district director for examinations in Boston. This is because "the workers' union protested a standardized format some years ago."

No Oversight

The INS has earned a reputation for being one of the worst-run federal agencies. (For a thorough review of its problems, see Daniel W. Sutherland's CEO Policy Brief, "Abolish the INS.")[19] The fact that Washington does not monitor the naturalization testing that goes on in its 33 districts is further proof of this claim. Indeed, INS headquarters in Washington is unable to provide the information revealed in Figure 3. It simply has no idea what happens beyond the Washington, D.C. city limits.

In CEO's survey of all 33 districts, most spokesmen said that nobody oversees their testing procedures. Figure 3 shows each district's response — yes or no — as to whether Washington oversees its administration of the U.S. history and government examination. Only six said they received supervision. The other 27 said that nobody monitors their testing. Here are a few examples of what INS officials said:

- "There is no oversight," said Karen Haydn, assistant district director for examinations in Boston.
- "All Washington did was establish the guidelines for the operation of our test site. We just comply," said Karen Eckert, deputy assistant director for examinations in Buffalo, N.Y.

- "There is no Washington oversight," said Mark Hansen, assistant district direction for examinations in Cleveland.

Indeed, the INS headquarters in Washington, D.C., acknowledges its lack of oversight. "There are no oversight procedures at all," said Ernestine Fobbs, an INS spokeswoman.

Conclusion: Adopt National Standards

By weakening the U.S. history and government test, the INS damages a vital part of the naturalization process, the single best measure it has for determining whether immigrants understand the democratic principles they must know in order to participate fully in American civil society. The surest guard against the erosion of standards—and the only way to guarantee fair treatment from district to district—is to establish set of national standards based upon the following four principles:

- **The test should be neither too hard nor too easy.** It should include 20 fill-in-the-blank questions and require 15 correct responses to pass. A 10- to 15-minute time limit would be appropriate. INS interviewers might also be permitted to coax oral responses from borderline cases, but only with guarantees that this practice would not become a slippery slope to lower standards. Individual districts might be allowed to experiment with testing people in groups immediately before they sit down for their interviews, especially if such a procedure would save time.
- **The questions should be made more meaningful.** Currently, many of the questions test trivia rather than an understanding of American political principles. An immigrant might be asked a U.S. senator's term of office. A more compelling question would ask why elected representatives have terms of office in the first place. It strikes at a more fundamental point about American democracy, and questions like it would probably serve as a better index of knowledge.
- **Combine the U.S. history and government exam with the English-language requirement.** Because this is a written, fill-in-the-blank test, applicants who pass should be assumed to have met the English-language reading and writing requirements. They would not have to read sentences to their INS interviewers nor would they have to write down sentences dictated to them — two popular practices right now. This reform would save these extra steps and cut down on the amount of time needed for interviews.

- **INS headquarters should monitor the testing procedures in all district offices to ensure their uniform nature.** Furthermore, if the INS wants to continue its practice of allowing private vendors to offer the U.S. history and government test, it must immediately begin an aggressive quality-control program to guarantee the integrity of all involved. Absent this reform, the INS should abandon contract testing entirely.

By meeting these goals, the INS would ensure that its testing on U.S. history and government is fair and meaningful. It would also put the INS in compliance with a law that, at least for the moment, it carelessly flouts. The U.S. attorney general has broad powers to make rules and regulations governing the content and administration of the U.S. history and government examination.[20] There is no reason why the INS cannot begin immediately to write and adopt a set of national standards that would make its testing more fair and more meaningful.

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Appendix I: Methodology

The authors would like to thank the dozens of INS officials who shared their knowledge and insights for this Policy Brief. This paper would not have been possible without their generous assistance.

Sources interviewed in July 1996 for the survey of districts include:

Penelope Acosta, Supervisor District Adjudication Officer, Denver
Marjorie Allen, Assistant District Director of Examinations, San Antonio
Robert Bach, Executive Associate Commissioner for Immigration, Washington, D.C.
Robert Bowles, Assistant District Director for Examinations, San Juan, Puerto Rico
Tom Brownrigge, Supervisor of District Adjudication, Detroit
Walter Cadman, District Director, Miami
William Carroll, District Director, Arlington, Va.
Karen Eckert, Deputy Assistant Director for Examinations, Buffalo, N.Y.
Robert Eddy, District Director, Anchorage, Alaska
Dwight Faulkner, Examinations Officer, Atlanta, Ga.
Benedict Ferrol, District Director, Baltimore
Eugene Fitzpatrick, District Director, Portland, Maine
Ernestine Fobbs, Press Associate, Washington, D.C.
Greg Gagne, Press Associate, Washington, D.C.
Jerry Garcia, Assistant District Director, Portland, Ore.
Greta Gozinski, Supervisor of District Adjudication, Philadelphia
Mark Hansen, Assistant District Director of Examinations, Cleveland
Sylvia Hatfield, Supervisor District Adjudication Officer, New Orleans
Karen Haydn, Assistant District Director of Examinations, Boston
Craig Howie, Press Associate, Washington, D.C.
John Klow, Supervisory District Adjudication Officer, Bloomington, Minn.
Rob Koon, Press Associate, Washington, D.C.
David Lambert, Head of Examinations, Seattle
Warren Lewis, District Director, Newark, N.J.
Lisa McClellan, Special Assistant Public Information Officer and Congressional Liaison Officer, San Diego
Edward McElroy, District Director, New York, N.Y.
Kenneth Pasquarell, District Director, El Paso, Texas
Michelle Perry, District Adjudication Officer, Kansas City, Mo.
Roger Piper, Acting District Director, Chicago
Donald Radcliffe, District Director, Honolulu
Richard Rodgers, District Director, Los Angeles
Deborah Rodriguez, Acting Deputy District Director, Phoenix
Kathy Schuler, Supervisor for District Adjudication, Dallas
David Still, Assistant District Director of Adjudication, San Francisco
Eric Trominski, District Director, Harlingen, Texas
Jerry Uhte, Assistant District Director of Examinations, Helena, Mont.
Robert Wallis, District Director, Houston
Ken Zarybnick, District Adjudication Officer, Omaha, Neb.

Appendix II:
Sample Questions & Answers to the Citizenship Test

U.S. Department of Justice
Immigration and Naturalization Service — Sample Citizenship Questions

The following questions are examples of what may be asked of you on your examination for citizenship. You may practice for the exam by attempting to answer them.

1. What are the colors of our flag?
2. How many stars are there on our flag?
3. What color are the stars on our flag?
4. What do the stars on the flag mean?
5. How many stripes are on the flag?
6. What color are the stripes?
7. What do the stripes on the flag mean?
8. How many states are there in the union?
9. What is the 4th of July?
10. What is the date of Independence Day?
11. Independence from whom?
12. What country did we fight during the Revolutionary War?
13. Who was the first President of the United States?
14. Who is the President of the United States today?
15. Who is the Vice President of the United States today?
16. Who elects the President of the United States?
17. Who becomes President of the United States if the President should die?
18. For how long do we the elect the President?
19. What is the Constitution?
20. Can the Constitution be changed?
21. What do we call a change to the Constitution?
22. How many changes or amendments are there to the Constitution?
23. How many branches are there in our government?
24. What are the three branches of our government?
25. What is the legislative branch of our government?
26. Who makes the laws in the United States?
27. What is Congress?
28. What are the duties of Congress?
29. Who elects Congress?
30. How many senators are there in Congress?
31. Can you name the two senators from your state?
32. For how long do we elect each senator?
33. How many representatives are there in Congress?
34. For how long do we elect the representatives?
35. What is the executive branch of our government?
36. What is the judiciary branch of our government?
37. What are the duties of the Supreme Court?
38. What is the supreme law of the United States?
39. What is the Bill of Rights?
40. What is the capital of your state?
41. Who is the current governor of your state?
42. Who becomes President of the U.S.A. if the President and Vice President should die?
43. Who is the Chief Justice of the Supreme Court?
44. Can you name the thirteen original states?
45. Who said: "Give me liberty or give me death"?
46. Which countries were our enemies during World War II?
47. What are the 49th and 50th States of the Union?
48. How many terms can a President serve?
49. Who was Martin Luther King, Jr.?
50. Who is the head of your local government?

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(PLEASE CONTINUE TO NEXT PAGE)

Appendix II:
continued

51. According to the Constitution, a person must meet certain requirements in order to be eligible to become President. Name one of these requirements.
52. Why are there 100 senators in the Senate?
53. Who selects the Supreme Court Justices?
54. How many Supreme Court Justices are there?
55. Why did the pilgrims come to America?
56. What is the head executive of a state government called?
57. What is the head executive of a city government called?
58. What holiday was celebrated for the first time by the American colonists?
59. Who was the main writer of the Declaration of Independence?
60. When was the Declaration of Independence adopted?
61. What is the basic belief of the Declaration of Independence?
62. What is the National Anthem of the United States?
63. Who wrote *The Star Spangled Banner*?
64. Where does Freedom of Speech come from?
65. What is the minimum voting age in the United States?
66. Who signs bills into law?
67. What is the highest court in the United States?
68. Who was President during the Civil War?
69. What did the Emancipation Proclamation do?
70. What special group advises the President?
71. Which President is called "the Father of Our Country"?
72. What Immigration and Naturalization Service form is used to apply for naturalized citizenship?
73. Who helped the pilgrims in America?
74. What is the name of the ship that brought the pilgrims to America?
75. What were the 13 original states of the United States called? (2)
76. Name 3 rights or freedoms guaranteed by the Bill of Rights.
77. Who has the power to declare war?
78. What kind of government does the United States have?
79. Which President freed the slaves?
80. In what year was the Constitution written?
81. What are the first 10 Amendments to the Constitution called?
82. Name one purpose of the United Nations.
83. Where does Congress meet?
84. Whose rights are guaranteed by the Constitution and the Bill of Rights?
85. What is the introduction to the Constitution called?
86. Name one benefit of being a citizen of the United States
87. What is the most important right granted to U.S. citizens?
88. What is the United States Capitol?
89. What is the White House?
90. Where is the White House located?
91. What is the name of the President's official home?
92. Name one right guaranteed by the First Amendment.
93. Who is the Commander-in-Chief of the U.S. military?
94. Which President was the first Commander-in-Chief of the U.S. military?
95. In what month do we vote for the President?
96. In what month is the new President inaugurated?
97. How many times may a senator be re-elected?
98. How many times may a congressman be re-elected?
99. What are the 2 major political parties in the U.S. today?
100. How many states are there in the United States?

Appendix II:
continued

Here are the correct answers. Match your responses against those given to check your accuracy.

1. Red, white and blue
2. 50
3. White
4. One for each state in the Union
5. 13
6. Red and white
7. They represent the original 13 states
8. 50
9. Independence Day
10. July 4th
11. England
12. England
13. George Washington
14. Bill Clinton
15. Al Gore
16. The Electoral College
17. Vice President
18. Four years
19. The supreme law of the land
20. Yes
21. An amendment
22. 26
23. 3
24. Legislative, executive and judiciary
25. Congress
26. Congress
27. The Senate and the House of Representatives
28. To make laws
29. The people
30. 100
31. (Determine by locality)
32. 6 years
33. 435
34. 2 years
35. The President, Cabinet and departments under the cabinet members
36. The Supreme Court
37. To interpret laws
38. The Constitution
39. The first 10 Amendments of the Constitution
40. (Determine by locality)
41. (Determine by locality)
42. Speaker of the House of Representatives
43. William Rehnquist
44. Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, Rhode Island, and Maryland
45. Patrick Henry
46. Germany, Italy and Japan
47. Hawaii and Alaska
48. 2
49. A civil rights leader
50. (Determine by locality)
51. Must be a natural-born citizen of the United States; must be at least 35 years old by the time he/she will serve; must have lived in the United States for at least 14 years
52. Two from each state
53. Appointed by the President
54. 9
55. For religious freedom

(3)

Appendix II:
continued

56. Governor

57. Mayor

58. Thanksgiving

59. Thomas Jefferson

60. July 4, 1776

61. That all men are created equal

62. *The Star Spangled Banner*

63. Francis Scott Key

64. The Bill of Rights

65. 18

66. The President

67. The Supreme Court

68. Abraham Lincoln

69. Freed many slaves

70. The Cabinet

71. George Washington

72. Form N-400 (Application for Naturalization)

73. The American Indians (native Americans)

74. The *Mayflower*

75. Colonies

76. (a)Freedom of speech, press, religion, peaceable assembly and requesting change of government
(b)The right to bear arms (the right to have weapons or own a gun, though subject to certain regulations)
(c)The government may not quarter, or house, soldiers in citizen's homes during peacetime without their consent
(d)The government may not search or take a person's property without a warrant
(e)A person may not be tried twice for the same crime and does not have to testify against him/herself
(f)A person charged with a crime still has some rights, such as the right to a fair trial and to have a lawyer
(g)The right to trial by jury, in most cases
(h)Protection of people against excessive or unreasonable fines or cruel and unusual punishment
(i)The people have rights other than those mentioned in the Constitution
(j)Any power not given to the federal government by the Constitution is a power of either the states or the people

77. The Congress

78. Republican

79. Abraham Lincoln

80. 1787

81. The Bill of Rights

82. For countries to discuss and try to resolve world problems; to provide economic aid to many countries

83. In the Capitol in Washington, D.C.

84. Everyone (citizens and non-citizens living in the U.S.)

85. The Preamble

86. Obtain federal government jobs; travel with a U.S. passport; petition for close relatives to come to the U.S. to live

87. The right to vote

88. The place where Congress meets

89. The President,s official home

90. 1600 Pennsylvania Ave. Northwest, Washington, D.C.

91. The White House

92. Freedom of: Speech, Press, Religion, Peaceable Assembly, and Requesting Change of the Government

93. The President

94. George Washington

95. November

96. January

97. There is no limit

98. There is no limit

99. Democratic and Republican

100. 50

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NOTES

1 William Branigin, "INS Accused of Tolerating Citizenship Testing Fraud," *Washington Post*, September 11, 1996.

2. See Matthew Spalding, "From Pluribus to Unum," *Policy Review*, Winter 1994, pgs. 35-41.

3. Alexis de Tocqueville, *Democracy in America*, Vol. 1, New York: Vintage Books, 1945, pg. 250.

4. Quoted in Spalding, pg. 38.

5. The Oath of Citizenship: "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God."

6. U.S. Bureau of the Census, Current Population Reports, "The Foreign-Born Population, 1994."

7. U.S. Immigration and Naturalization Service, 1993 Statistical Yearbook, pg. 134; Patrick J. McDonnell, "Learning the Language of Citizenship," *Los Angeles Times*, August 5, 1996, pg. B3.

8. For a brief summary of these details, see the U.S. Commission on Immigration Reform, *Legal Immigration: Setting Priorities*, 1995, pgs. 181-2.

9. American Immigration Lawyers Association, *Report Card on INS Adjudications*, July/August 1996.

10. Patrick J. McDonnell, "INS May Waive Some Interviews for Citizenship," *Los Angeles Times*, September 1, 1995, pg. B1.

11. Arnold Rochvarg, "Reforming the Administrative Naturalization Process: Reducing Delays While Increasing Fairness," *Georgetown Immigration Law Journal*, Vol. 9, No. 3, Summer 1995, pg. 428.

12. Branigin, ibid. See also Ruth Larson, "Testing firms assist citizenship-seekers," *Washington Times*, September 10, 1996; Frank Trejo, "Firm Says It Hasn't Heard from I.N.S.," *Dallas Morning News*, June 29, 1996; and the ABC News program 20/20, "Selling Out America," July 12, 1996.

13. See, for example, these INS publications: "Citizenship Education and Naturalization Information" (M-287), "United States History: 1600-1987" (M-289), and "U.S. Government Structure" (M-291).

14. *Georgetown Immigration Law Journal*, 10th Anniversary Symposium Transcript, Vol. 10, No. 1, Special Symposium Edition, March 6, 1996, pg. 12.

15. Immigration Act of 1990, Title III, Section 332a.

16. Vermont does not fall under the jurisdiction of any of the 33 district offices. It conducts its own naturalization testing under the auspices of the INS regional office located in Burlington.

17. Quoted in John J. Miller, "The Naturalizers," *Policy Review*, July/August 1996, pg. 51.

18. U.S. Immigration and Naturalization Service, *Service Law Books*, Section 312.2-B2.

19. Daniel W. Sutherland, "Abolish the INS: How Federal Bureaucracy Dooms Immigration Reform," Center for Equal Opportunity, January 1996.

20. See Immigration Act of 1990, Title III, Section 332a.

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Lindo Chavez, President

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